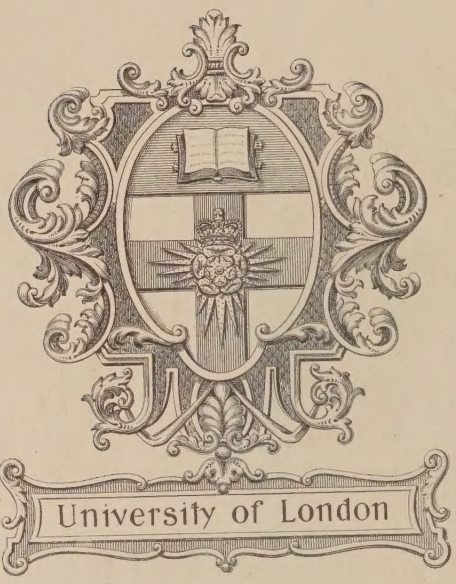
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ACCOUNTS AND PAPERS:

TWENTY-SIX VOLUMES.

—(6.)—

COLONIES.

AUSTRALIA.

Session

31 *January* —— 29 *July* 1856.

VOL. XLIII.

1856.

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1856.

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OF THE

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(*In continuation of Papers presented* 20*th April and* 14*th May* 1855.)

Presented to both Houses of Parliament by Command of Her Majesty,
24*th July* 1856.

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1856.

2135

SCHEDULE.

NEW SOUTH WALES.

NEW SOUTH WALES.

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NEW SOUTH WALES.

NEW SOUTH WALES.

Despatches from Governor General Sir W. Denison.

No. 1.

No. 1.

COPY of a DESPATCH from Governor General Sir W. DENISON to the Right Hon. Sir GEORGE GREY, Bart.

(No. 8.) Government House, Sydney, February 15, 1855.
(Received May 22, 1855.)
(Answered No. 32. June 5, 1855, page 15.)

SIR,

I HAVE the honour to forward herewith a petition from certain of the inhabitants of the district of Parramatta, praying that the Act 17 Victoria, No. 41., by which certain changes are made in the constitution of this colony, may not receive Her Majesty's sanction, and that the task of framing a constitution for the Australian colonies generally, and for New South Wales in particular, may be devolved on the Imperial Parliament, or on a constituent assembly to be constituted under the authority of Parliament.

2. It is not necessary for me to comment upon the prayer of this petition, which, having reference to an Act passed during the government of my predecessor, should have been sent in early enough to have been forwarded by him, with such comments as his knowledge of the subject matter might have suggested.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Sir George Grey, Bart.,
&c. &c. &c.

Enclosure in No. 1.

Encl. in No. 1.

To the Queen's most Excellent Majesty.

The Petition of the undersigned inhabitants of the District of Parramatta, in the Colony of New South Wales,

Humbly showeth—

THAT in the year 1850, the Imperial Parliament passed an Act for the better government of the Australian Colonies.

That as this Act extended the elective franchise from a twenty-pound to a ten-pound rate, and empowered the Colonial Legislature to apportion the future representation agreeably to the principles of the British Constitution, it would have conferred a great benefit upon Your Majesty's petitioners, and the other colonists of New South Wales, if it had only been carried out fairly and equitably, agreeably to the evident intentions of the Imperial Parliament.

That from the unconstitutional character of the local legislature of the period, and the predominance of the pastoral interest in its councils, an electoral Act was passed by the Legislative Council of this colony in the year 1851, under the alleged authority of the Imperial Act, which not only completely frustrated the beneficent intentions of that Act, and deprived the colonists of the benefits of good government which it was meant to ensure them, but was entirely at variance with the acknowledged principles of the British Constitution, and wantonly trampled upon the political rights of the principal portion of the population.

That by this Act the county of Cumberland, the earliest settled, most densely peopled, and wealthiest portion of the colony,—containing as it does the City of Sydney, and the

NEW SOUTH WALES.

towns of Parramatta and Windsor, and comprising four ninths of the entire population,—was divided into five electoral districts, which return only eight members to the present colonial legislature, while the rest of the colony, comprising all the sheep walks and cattle runs of the territory, with the remaining five ninths of the general population, thinly scattered over an extent of country as large as all Great Britain and France, was divided into twenty-five electoral districts, which return twenty-eight members.

That although the county of Cumberland contains only four ninths of the entire popupulation, its inhabitants represent a much larger proportion—upwards of one half of the wealth of the colony; all the rest of the occupied territory being merely the progressive expansion of the older settlements of that county, and much of the property, both real and personal, in all parts of it, being held by persons residing in the county of Cumberland; whereas a large proportion of the population of the pastoral districts which at present engross so disproportionate an amount of the representation, consists of mere tenants of the Crown and their dependants, including many foreigners, who are for the most part ignorant of the language and unacquainted with the institutions of a British people.

That in proof of the correctness of these statements, it has just been ascertained that the number of duly qualified electors in the five electoral districts of the county of Cumberland is 12,504, while the whole number in all the other electoral districts of the colony is only 11,414, that is 1,090 fewer than in the county of Cumberland alone.

That the natural effect of this policy has been virtually to extinguish the popular element in the actual legislature, by means of a mock representation for the thinly peopled portions of the territory, and thereby to reduce the colonists to a state of entire helplessness, under the power of a virtually self-constituted and irresponsible legislature.

That under this preposterous system the election of members for the pastoral districts of the colony has, in great measure, degenerated into an unmeaning ceremony, which only excites the ridicule and scorn of the community; while on questions of public expenditure the proceedings of the legislative body not unfrequently exhibit the unheard of political phenomenon of small minorities outvoting large majorities of the representatives of the people by means of mere government officials and nominees.

That it was by a legislature of so questionable a character, both in its origin and proceedings, that the New Constitution Bill of 1853, which has since been forwarded for the consideration of Your Majesty and the Imperial Parliament, was framed; and that in so far as the representation is concerned, the said Bill is merely a reproduction and expansion of the present constitution under the Electoral Act of 1851; the county of Cumberland with four ninths of the population, and upwards of one half of the wealth of the colony, having only thirteen members assigned to it under the proposed new Constitution, while the rest of the colony, including all the pastoral districts, has forty-one.

That on the promulgation of the New Constitution Bill, Your Majesty's petitioners, in common with a large number of the inhabitants of the colony in all parts of the territory, petitioned against its adoption either to the local legislature or to Your Majesty and the Imperial Parliament, urging the utter incompetency of the present Legislative Council to frame a constitution for this colony, and expressing their utter abhorrence of the principles embodied in the said New Constitution Bill.

That Your Majesty's petitioners, having ascertained that the consideration of the said new Constitution Bill has been deferred till next Session of Parliament, would again approach Your Majesty with unfeigned attachment to Your Majesty's person, humbly to reiterate the same expression of opinion, and to renew their earnest petition that the said bill may never be permitted to become the law of the land in this colony.

That Your Majesty's petitioners are sincerely desirous that an Upper House or Senate should be constituted for this colony, in conjunction with a House of Assembly; but they decidedly and strongly object to the principle of nomineeism in any form or to any extent in either House of the future legislature, and they respectfully but firmly insist, as their undoubted right, upon a fair and equitable distribution of the representation, on the British principle of population and property combined.

That while Your Majesty's petitioners are of opinion that the administration of the waste lands of this colony, as well as of all colonial revenues whatsoever, should be conceded to a legislature constituted on the principles indicated, with full power to deal with all existing arrangements as may be deemed expedient and necessary for public welfare, they are decidedly of opinion that the present land system not only checks the sale of land and diminishes the land revenue to an incalculable extent, but affords unnecessary encouragement for the introduction of inferior races, impedes the prosperity and advancement of the community in an endless variety of ways, and thereby prevents the rapid settlement of the country with a thoroughly British population.

Your Majesty's petitioners, therefore, having no confidence either in the present Legislative Council of this colony or in any constitution which a legislature so constituted would form, humbly pray, as they are reluctantly compelled to do, that the task of framing a constitution for the Australian Colonies generally, and for this colony in particular, may be devolved either on the Imperial Parliament, in accordance with the principles indicated above, or on a constituent assembly to be constituted under the authority of Parliament.

And Your Majesty's petitioners, as in duty bound, will ever pray.

(447 Signatures.)

No. 2.

COPY of a DESPATCH from Governor General Sir W. DENISON to the Right Hon. Sir GEORGE GREY, Bart.

(No. 16.) Government House, Sydney, February 15, 1855.

(Received May 22, 1855.)

(Answered No 28. June 2, 1855, page 14.)

SIR,

I HAVE the honour to forward herewith an address against the proposed Constitution Act, 17 Victoria, No. 41., signed by 799 electors and inhabitants of the colony, adopted at a public meeting held at the Victoria Theatre, Sydney, and presented to me on the 12th instant, together with my reply thereto.

I have, &c.

The Right Hon. Sir George Grey, Bart., &c. &c. &c.

(Signed) W. DENISON.

Enclosure 1 in No. 2.

Encl. 1 in No. 2.

COPY of ADDRESS from certain Inhabitants of Sydney, presented February 12, 1855, praying for Dissolution of Council.

To his Excellency Sir W. T. Denison, &c. &c.

The Address of the undersigned Electors and Inhabitants of New South Wales.

May it please your Excellency,

IN the full reliance on your Excellency's desire and ability by all constitutional means to promote the advancement and good government of this colony, we respectfully submit to your Excellency, that it is of the highest importance that the form of government to be established for New South Wales should be in accordance with the judgment of those on whose respect and support the strength, utility, and permanence of the government will depend.

We further submit to your Excellency, that the Constitution Bill now under the consideration of Her Majesty's advisers was passed by the Legislative Council in ignorance or in defiance of the opinions of a large majority of the electors by whom the representative portion of that council was elected, and that in a matter of such moment it is just and indispensable that those whose obedience to the future government and laws of this country will be required, and who have been appealed to by the Imperial Parliament to sanction and define that Government and the creation of those laws, should be fully heard and clearly understood.

This, we submit to your Excellency, was the intention of Her Majesty the Queen when this momentous question was submitted to the colonial legislature, and this wise and most gracious intention of Her Majesty will, we respectfully submit, be defeated, and heavy responsibility will be incurred, if any form of government shall be constituted for the colony without a direct and constitutional appeal to the decision of the electors, by a general election of representatives to serve them in the legislative council; and although your memorialists deny that under the present Electoral Act their opinions could ever be fairly represented, yet they would respectfully point out that their right thus to exercise the suffrage upon the proposed fundamental law is sanctioned by the principles and in accordance with the practice of the British Constitution. We submit that the trifling inconveniences of a general election must, under any circumstances, soon take place; but that irreparable mischief may be done by omitting to ascertain, beyond doubt, the opinion of the country, as far as it is possible to do so under the existing imperfect Constitution, on this, the most important question that can be substituted to a people deemed worthy of self-government.

For these reasons, amongst many others, we respectfully request your Excellency to consider the propriety of an immediate dissolution and re-election of the council, and we assure your Excellency that as we earnestly desire to avoid the possibility of contention with the Imperial Parliament or Her Majesty's advisers, so we desire that the future constitution of this colony shall as closely as possible adhere to the principles of the British Constitution, and that for the success or failure of such constitution, framed by themselves, the colonists alone may be answerable.

(Here follow 799 signatures.)

Enclosure 2 in No. 2.

Encl. 2 in No. 2.

GENTLEMEN,

THE address which you have just read concludes with a request that I would consider the propriety of an immediate dissolution and re-election of the legislative council of this colony.

NEW SOUTH WALES.

I might reply to you, that I would consider the subject, and thus lead you to anticipate a compliance on my part with the implied, though not expressed request, that I would dissolve the council. This, however, would be a course altogether foreign to my character and habits, and I will, therefore, reply plainly and openly to that which I understand to be your wish, namely, that I would dissolve the present legislative council.

I must express my regret that, relying as you profess to do upon my desire and ability to promote the advancement and good government of the colony, you should within so short period after my assumption of the government, have pressed upon me the adoption of a measure of so extreme a character as that of a dissolution of the council, a measure which under the present circumstances of the colony, appears to me not only uncalled for, but injurious, as tending to excite unnecessarily the bitter feelings of political and party strife.

I say "unnecessarily," for whatever the opinion of the members of a new council might be upon the subject of the form of government to be established from henceforward in this colony, it could not at this late period be made to operate in modifying the course of action of Her Majesty's Government in relation to a measure which has been submitted for consideration in accordance with the forms prescribed by law.

I may further remark, that were the opinion of a new council decidedly adverse to the measure which has been so submitted, and which may possibly have received the sanction of Parliament, that contention with the Imperial Parliament which you so earnestly desire to avoid would become almost inevitable.

I am not called upon to express any opinion upon the provisions of the Constitution Act 17 Vict. c. 41. I may, however, observe, that whatever may be its defects, it is calculated to ensure to the legislature of the colony the fullest possible control over all matters in which the inhabitants have any interest; and that, should any defects be discovered, it contains within itself ample provision for alteration and amendment.

For these reasons I must decline to accede to your request, that I would dissolve the present legislative council.

No. 3.

No. 3.

Copy of a DESPATCH from Governor General Sir W. Denison to the Right Hon. Sir George Grey, Bart.

(No. 17.) Government House, Sydney, February 24, 1855.
(Received March 22, 1855.)
(Answered No. 32, June 5, 1855, page 15.)

Sir,

I do myself the honour to forward herewith a petition received yesterday from 178 inhabitants of the town of Kiama, against the Constitution Bill of 17 Victoria, No. 41.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Sir George Grey, Bart., &c. &c. &c.

Encl. in No. 3.

Enclosure in No. 3.

To the Queen's most Excellent Majesty.

The Petition of the undersigned inhabitants of the town of Kiama, in the colony of New South Wales,

Humbly showeth—

That in the year 1850, the Imperial Parliament passed an Act for the better government of the Australian Colonies.

That as this Act extended the elective franchise from a twenty-pound to a ten-pound rate, and empowered the Colonial Legislature to apportion the future representation agreeably to the principles of the British Constitution, it would have conferred a great benefit upon Your Majesty's petitioners, and the other colonists of New South Wales, if it had only been carried out fairly and equitably, agreeably to the evident intentions of the Imperial Parliament.

That from the unconstitutional character of the Local Legislature of the period, and the predominance of the pastoral interest in its councils, an Electoral Act was passed by the Legislative Council of this colony in the year 1851, under the alleged authority of the Imperial Act, which not only frustrated the beneficent intentions of that Act, and deprived the colonists of the benefits of good government which it was meant to ensure them, but was entirely at variance with the acknowledged principles of the British Constitution, and wantonly trampled upon the political rights of the principal portion of the population.

That by this Act the county of Cumberland, the earliest settled, mostly densely peopled, and wealthiest portion of the colony,—containing as it does the city of Sydney and the towns of Paramatta and Windsor, and comprising four ninths of the entire population,—was divided into five electoral districts, which return only eight members to the present

Colonial Legislature, while the rest of the colony, comprising all the sheep walks and cattle runs of the territory, with the remaining five ninths of the general population, thinly scattered over an extent of country as large as all Great Britain and France, was divided into twenty-five electoral districts, which return twenty-eight members.

That although the county of Cumberland contains only four ninths of the entire population, its inhabitants represent a much larger proportion, upwards of one half of the wealth of the colony, all the rest of the occupied territory being merely the progressive expansion of the older settlements of that county, and much of the property, both real and personal, in all parts of it, being held by persons residing in the county of Cumberland; whereas a large proportion of the population of the pastoral districts, which at present engross so disproportionate an amount of the representation, consists of mere tenants of the Crown and their dependants, including many foreigners, who are for the most part ignorant of the language and unacquainted with the institutions of a British community.

That, in proof of the correctness of these statements, it has just been ascertained that the number of duly qualified electors in the five electoral districts of the county of Cumberland is 12,504, while the whole number in all the other electoral districts of the colony is only 11,414, that is 1,000 fewer than in the county of Cumberland alone.

That the natural effect of this policy has been virtually to extinguish the popular element in the actual legislature by means of a mock representation for the thinly peopled portions of the territory, and thereby to reduce the colonists to a state of entire helplessness, under the power of a virtually self-constituted and irresponsible legislature.

That under this preposterous system the election of members for the pastoral districts of the colony has, in a great measure, degenerated into an unmeaning ceremony, which only excites the ridicule and scorn of the community; while on questions of public expenditure the proceedings of the legislative body not unfrequently exhibit the unheard of political phenomenon of small minorities outvoting large majorities of the representation of the people by means of mere government officials and nominees.

That it was by a legislature of so questionable a character, both in its origin and proceedings, that the New Constitution Bill of 1853, which has since been forwarded for the consideration of Your Majesty and the Imperial Parliament, was framed; and that, in so far as the representation is concerned, the said Bill is merely a reproduction and expansion of the present constitution, under the Electoral Act of 1851; the county of Cumberland, with four ninths of the population and upwards of one half of the wealth of the colony, having only thirteen members assigned to it under the proposed new Constitution, while the rest of the colony, including all the pastoral districts, has forty-one.

That on the promulgation of the New Constitution Bill, Your Majesty's petitioners, in common with a large number of the colonists in all parts of the territory, petitioned against its adoption either to the local legislature or to Your Majesty and the Imperial Parliament, urging the utter incompetency of the present Legislative Council to frame a constitution for this colony, and expressing their utter abhorrence of the principles embodied in the said New Constitution Bill.

That Your Majesty's petitioners, having ascertained that the consideration of the said New Constitution Bill has been deferred till next Session of Parliament, would again approach Your Majesty with unfeigned attachment to Your Majesty's person, humbly to reiterate the same expression of opinion, and to renew their earnest petition, that the said Bill may never be permitted to become the law of the land in this colony.

That your Majesty's petitioners are sincerely desirous that an Upper House or Senate should be constituted for this colony, in conjunction with a House of Assembly, but they decidedly and strongly object to the principle of nomineeism, in any form or to any extent, in either house of the future legislature, and they respectfully but firmly insist as their undoubted right, upon a fair and equitable distribution of the representation in the British principle of population and property combined.

That while Your Majesty's petitioners are of opinion that the administration of the waste lands of this colony, as well as of all the colonial revenues whatsoever, should be conceded to a legislature constituted on the principles indicated, with full power to deal with all existing arrangements as may be deemed expedient and necessary for public welfare, they are decidedly of opinion that the present land system not only checks the sale of land and diminishes the land revenue to an incalculable extent, but affords unnecessary encouragement for the introduction of inferior races, impedes the prosperity and advancement of the community in an endless variety of ways, and thereby prevents the rapid settlement of the country with a thoroughly British population.

Your Majesty's petitioners, therefore, having no confidence, either in the present Legislative Council of this colony or in any constitution which a legislature so constituted would form, humbly pray, as they are compelled reluctantly to do, that the task of framing a constitution for the Australian Colonies generally, and for this colony in particular, may be devolved either on the Imperial Parliament, in accordance with the principles indicated above, or on a constituent assembly to be constituted under the authority of Parliament.

And Your Majesty's petitioners, as in duty bound, will ever pray.

Kiama.

(178 Signatures.)

NEW SOUTH WALES.

No. 4.

No. 4.

Copy of a DESPATCH from Governor General Sir W. Denison to the Right Hon. Lord John Russell, M.P.

(No. 168.) Government House, Sydney, October 18, 1855.

(Received January 2, 1856.)

(Answered No. 18, February 4, 1856, p. 19.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch, No. 20,* dated 23d May 1855, in which I am directed to state my opinion as to the expediency of separating the Moreton Bay district from New South Wales, and establishing therein a separate government.

* Page 14.

2. I have looked over the former correspondence with relation to the proposed scheme of separation, by which it would appear that the expediency of such a step was first advocated by the inhabitants of the northern districts, principally with a view of inducing the Government to send a supply of convict labour to that part of the colony. It is true that this was objected to by a portion of the population; but still it formed the main feature in most of the petitions; and I am, therefore, I think, justified in expressing my belief that the large squatters were the persons whose interests were most consulted in the matter. In the later petitions, the question of the continuance of transportation has been omitted, the policy of the Home Government having been too clearly explained as regards it to allow of any hope that convicts would be sent to Moreton Bay, even were it made a separate colony; but the persons who petition are the same, with the addition, perhaps, of the trading population of the towns of Brisbane and Ipswich, to whom the prospect of a large local expenditure is probably the inducement which has caused them to apply for separation from New South Wales.

3. I will now lay before your Lordship an outline of the condition of the district to which it is proposed to give a separate government, with a legislature composed of two houses, a separate judicial establishment, &c. &c.

If the thirty degrees of latitude is to be taken as the boundary between New South Wales and Moreton Bay, then the area of the country to the north of that parallel may be taken at 206,000 square miles, or 132,000,000 acres; of this, about 35,000 acres have been alienated by the Crown, and about 20,000 acres more have been claimed under the pre-emptive right by the squatters.

The land occupied for pastoral purposes by squatters amounts to about twenty-five millions of acres, for which a rent or license fee of 13,608*l.* 13*s.* is paid. The number of these squatters is 420, of whom only 56 have expressed an intention of exercising their pre-emptive right. It would seem, then, by this that the principal occupants of land in this district of the colony have not shown any disposition to become permanent holders of property, or to identify themselves in any way with the colony. They are, in point of fact, producers of wool on a large scale, but their outlay of capital on the land has been very small indeed, and the improvements made by them are but trifling; indeed, it is not likely that a man who has no interest in the land would be tempted to expend money upon permanent improvements.

The population scattered over this large extent of country does not, on a liberal estimate, exceed 19,000, or one person to 6,600 acres; and of these 19,000, a large proportion must, of course, be shepherds and others connected with the squatting establishments; for, according to the returns for 1854, the quantity of stock in these districts amounted to 11,396 horses, 311,575 head of cattle, and 2,521,681 sheep, the superintendence of which must have required a great number of men.

Under any arrangement of the electoral districts, or any distribution of the franchise, it is evident that the powers of the Government, should a separation take place, would, in the Moreton Bay district, be vested in great measure in the hands of men having little or no permanent interest in the country. I may also observe that, as the Australian Land Sales Act is, probably, by this time repealed, and the control of the crown land placed in the hands of the Legislature, the separation of the Moreton Bay district from New South Wales would place in the hands of a very small number of people the control over the whole capital of the colony.

4. Looking, therefore, to the present condition of the districts to the north of the parallel of thirty degrees of latitude, and to the probability that some kind

NEW SOUTH WALES.

of municipal organization will be introduced, by which most of the benefits of a distinct and separate government will be conceded to the people without entailing upon them the expensive machinery of a distinct government, I must say that I consider a separation of the district of Moreton Bay from New South Wales would, at all events at present, be both inexpedient and unwise.

I have, &c.

The Right Hon. Lord John Russell, M.P., &c. &c. &c. (Signed) W. DENISON.

No. 5.

No. 5.

EXTRACT of DESPATCH from Governor General Sir W. DENISON to the Right Hon. Sir W. MOLESWORTH, Bart., M.P., dated December 10, 1855, No. 191.

"No. 28 is intituled 'An Act to provide for the preparation of the Electoral Rolls for the first Election under the New Constitution Act.' Her Majesty's assent to the Act of Council, 17 Vict. No. 41, having been proclaimed, it became necessary to provide for the insertion upon the electoral lists of several classes of electors, to whom the franchise is extended by the said Act.

"This enactment has therefore been passed for the purpose of securing a full list of electors."

Enclosure in No. 5.

Encl. in No. 5.

NEW SOUTH WALES.

(*Queen's Arms.*)

ANNO DECIMO NONO VICTORIÆ REGINÆ.

By his Excellency Sir WILLIAM THOMAS DENISON, Knight, Governor General in and over all Her Majesty's Colonies of New South Wales, Van Diemen's Land, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies and Vice-Admiral of the same, with the advice and consent of the Legislative Council.

No. XXVIII.

AN ACT * to provide for the Preparation of the Electoral Rolls for the first Elections under the New Constitution Act.

Preamble.

New Constitution Act.

WHEREAS, under the Act passed by the Legislative Council, in the Session of the 17th year of Her Majesty's reign, intituled "An Act to confer a Constitution on New "South Wales, and to grant a Civil List to Her Majesty," which said Act is expected shortly to be proclaimed as having received the Royal assent, certain new classes of Electors are qualified to vote at the election of Members to serve in the Legislative Assembly, and certain new Electoral Districts are created: And whereas the Electoral Rolls for the year to expire on the first day of September One thousand eight hundred and fifty-six, have lately been prepared in accordance with the "Electoral Act of 1851;" but such Electoral Rolls do not comprise the said new classes of Electors, and no such Rolls have been prepared for the said newly created Electoral Districts: And whereas it is necessary to provide for the preparation, before the first Elections under the said Constitution Act, of new Electoral Rolls, comprising all the classes of Electors qualified under the said Constitution Act, for all the Electoral Districts for which Members to serve in the said Legislative Assembly are to be returned: Be it therefore enacted by his Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, as follows:

Lists to be made of all classes of Electors qualified to vote under New Constitution Act for Members to serve in Legislative Assembly.

Claims and objections.

Electoral Lists, containing the names, qualifications, and places of residence of all persons qualified to vote in the Election of Members to serve in the Legislative Assembly, under the said first-recited Act, in each electoral district of the colony, shall be collected, signed, and delivered, in the manner provided by the said Electoral Act, between the first and twenty-first days of December now next; and the same, after having been printed or transcribed, shall be hung up for public inspection as by the said Electoral Act required, for the fourteen days expiring on the twentieth day of January now next; and all notices from persons claiming to have their names inserted in any such list, and all objections to the retention of the names of any persons therein, shall be given on or before

* Her Majesty's Assent to this Act conveyed by Mr. Labouchere's Despatch, No. 53, 2d May 1856.

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Revision Courts.

Electoral Rolls.

the said twentieth day of January now next; and lists of such claims and objections shall be exhibited for public inspection, as required by the said Electoral Act, during the ten days expiring on the thirty-first day of the said month of January; and the revision Courts provided by the said Electoral Act shall all be held for the revision of the said lists, between the first and twenty-first days of the month of February now next; and the Lists revised by such Courts shall be delivered on or before the twenty-ninth day of the said month of February, to the several officers charged by the said Act with the duty of preparing the Electoral Rolls from the revised lists; and such officers shall, in each district, make out the general alphabetical list required by the said Act: and such general list shall be the Electoral Roll of Electors entitled to vote in such district at all elections that may take place of Members to serve in the Legislative Assembly, between the first day of March and the first day of September now next.

CHARLES NICHOLSON, Speaker.

Passed the Legislative Council, this Fifteenth Day of November, One thousand eight hundred and fifty-five.

WM. MACPHERSON, Clerk of the Council.

In the name and on the behalf of Her Majesty, I assent to this Act.

W. DENISON, Governor General.

Government House, November 22, 1855.

No. 6.

No. 6.

COPY of a DESPATCH from Governor General Sir W. DENISON, to the Right Hon. Sir WILLIAM MOLESWORTH, Bart.

(No. 203.)

Government House, Sydney, December 21, 1855.

SIR, (Received March 24, 1856.)

I HAVE the honour to acknowledge the receipt of your Despatch, No. 23, dated 8th September, forwarding my commission as Governor of New South Wales, together with the instructions for my guidance under the altered form given to the government by the Act of Council, 17 Vict. No. 41, to which Her Majesty's assent was notified in your Despatch No. 1*, dated 21st July last.

* Page 18.

2. I was sworn in on the 19th instant, according to the usual form, and the enclosed Proclamation was issued, notifying the fact to the public.

3. I have not thought it desirable, during the absence of Mr. Deas Thomson, the Colonial Secretary, to take any step to modify the existing form of government, or to swear in members of the Executive Council. As the Legislative Council is no longer in session, it is not probable that in the short time which will elapse before Mr. Thomson resumes his duties, any question will arise which will require the intervention of the Executive Council.

4. Should such occur, I must of course be prepared to deal with them, and to appoint members of the Executive Council temporarily; but until the necessity does arise, I have thought it far better to avoid such mere temporary arrangements.

I have, &c.

(Signed) W. DENISON.

The Right Hon. Sir William Molesworth, Bart.
&c. &c. &c.

Encl. in No. 6.

Enclosure in No. 6.

(*Queen's Arms.*)

PROCLAMATION.

By his Excellency Sir WILLIAM THOMAS DENISON, Knight, Governor General in and over all Her Majesty's Colonies of New South Wales, Van Diemen's Land, Victoria, South Australia, and Western Australia, and Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS Her Majesty has been graciously pleased by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the eighth day of September One thousand eight hundred and fifty-five, to re-appoint me, Sir William Thomas Denison, to be Captain-General and Governor-in-Chief in and over the Colony of New South Wales: Now, therefore, I, the said Governor General and Governor-in-Chief aforesaid, do hereby proclaim and declare, that I have this day taken the prescribed oaths before his Honour Sir Alfred Stephen, Knight, Chief Justice of the

Supreme Court of the said territory of New South Wales, and that I have accordingly re-assumed the said office of Captain-General and Governor-in-Chief. NEW SOUTH WALES.

Given under my Hand and Seal, at Government House, Sydney, this nineteenth day of December, One thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's Reign.

(L.S.) W. DENISON.

By his Excellency's Command,
C. D. RIDDELL.

GOD SAVE THE QUEEN.

No. 7.

No. 7.

COPY of a DESPATCH from Governor General Sir W. DENISON to the Right Hon. Sir GEORGE GREY, Bart.

(No. 29.) Government House, Sydney, February 19, 1856.
(Received May 14, 1856.)
(Answered No. 69, June 2, 1856, page 19.)

SIR,

IN a Despatch, No. 203, dated 21st December last, addressed to Sir W. Molesworth, I stated that I had not considered it desirable to appoint any members of the Executive Council, but had decided to await the arrival of Mr. Deas Thomson before I made any attempt to modify the existing form of government.

2. Mr. Thomson arrived at Sydney on the 6th January, and I had frequent and long conferences with him upon the subject of the alteration made by the new constitution in the relation between the executive and the legislature. I pressed upon him the importance attached not only by myself, but by several of the most influential people in the colony, to his acceptance of office, were it merely for the purpose of affording the assistance to the new government which his thorough acquaintance with the state of things in the colony and with the details of administration so fully qualified him to give.

3. On the 21st January I addressed a letter to him, a copy of which is enclosed, pressing upon him the views detailed above, and requesting him to take upon himself the task of forming a government under the responsibility to the Parliament contemplated by the new constitution. Enclosure 1.

4. To this letter I received a reply, a copy of which is enclosed, the substance of which is an expression of Mr. Thomson's regret that under present circumstances he cannot hope to form a government, the members of which would work cordially together, and at the same time, command such a majority in the Houses of Parliament as would be necessary for the efficient performance of their duties. Enclosure 2.

5. After consultation with Mr. Thomson, I applied, by his advice, to one of the most influential members of the present Council, with a view to the formation by him of a Government which might be expected to command a majority in the new Parliament.

6. And as there were several matters which required the advice of an Executive Council, I decided upon appointing four members of this Council who were unconnected with party politics, and in whose impartiality and intelligence I, as well as the community at large, could safely rely. I accordingly appointed Colonel Bloomfield, the Officer in command of the Troops, who was a member of the former Executive Council; Sir Charles Nicholson, the Speaker of the Legislative Council; Wm. Sharpe M'Leay, Esq., and James MacArthur, Esq.; and I forward herewith, in accordance with my instructions, copies of the Commissions issued to these gentlemen. Enclosure 3.

7. In the meantime, a question arose as to the right of those Officers to whom pensions had been assigned in the Constitution Act to retire from the service of the Government and to claim these pensions. My own opinion was, that as these pensions were granted upon the distinct statement that the retirement or release from office of these gentlemen should be based upon "political grounds," and that as such grounds could not be said to exist at present, no application to retire could be entertained. I thought it advisable, however, to refer the point for the consideration of the judges, and their opinion, a copy of which I enclose, was in accordance with mine, and to the effect that until some moral or absolute necessity could be shown to exist for the resignation or retirement of the present Enclosure 4.

NEW SOUTH WALES.

Officers, the political grounds for removal, upon which only they could claim their pensions, could not be said to have presented themselves.

8. Under these circumstances, I have thought it better to withdraw the application which I had made (as mentioned above) to an influential member of Council to form a Government, a task which, in the present undecided state of parties, he could hardly hope to perform satisfactorily, and to carry on the Government with the present staff of official members; at all events, until the elections have taken place. After this, a knowledge of the members actually returned may open the way to political combinations, of which now there is no prospect.

9. I have decided, therefore, to place Mr. Thomson, the Colonial Secretary, and Mr. Riddell, the Colonial Treasurer, in the Executive Council, in addition to the members named in a former part of this Despatch.

10. This arrangement will, I believe, be more satisfactory to the Colony than any other which could be made in the present undecided state of parties. It is of course to be looked upon merely as a temporary expedient.

11. The Commissions issued to each member of the Executive Council being in the same form, I have not deemed it necessary to furnish you with separate copies of each Commission.

I have, &c.

The Right Hon. Sir George Grey, Bart. &c. &c. &c. (Signed) W. DENISON.

Encl. 1 in No. 7.

Enclosure 1 in No. 7.

My Dear Sir, Government House, Sydney, January 21, 1856.

In the many personal communications which I have had with you since your return from England, I have made known my wishes as regards the constitution of the Government under the state of things induced by the proclamation of the new constitution. It is desirable, however, that I should place them on record in an official form; and it is for this purpose that I now address you.

When I took the oaths as Governor of the Colony under the new constitution, the Executive Council as heretofore constituted was *de facto* dissolved.

It then became a matter of question with me whether to proceed at once, under the power given to me by my commission, to nominate a fresh council, or to allow matters to remain in abeyance pending your arrival, which was daily expected.

The feeling of every person with whom I had any communication on the subject, appeared to be that it was in no way advisable to take any steps during your absence, which might lead to throw impediments in your way should you be disposed to undertake the task of forming a Government responsible to the people through their representatives: and as my own feelings harmonized completely with those of the persons whom I consulted, I decided that I would not nominate my Executive Council till I had seen and conversed with you, in the hope that I should be able to adduce such arguments as might have the effect of inducing you to take upon yourself the task of forming such a Government.

Your long acquaintance with the colony, your knowledge of its wants, your thorough cognizance of the machinery of all the existing establishments, your well known and recognized administrative ability, naturally point you out as the person best qualified to conduct the business of the Government on an occasion like the present; and I sincerely hope that you may have reason to calculate such an amount of support from the representatives of the different districts of the Colony, as will justify your continuance in your present office, though perhaps under a different title, and certainly under altered responsibility.

I may observe that some inconvenience will be likely to arise, should the formation of the Government be much longer delayed, as there are many questions upon which the decision of the Executive Council is required. I do not, however, wish to press upon you for a decision in such haste as would prevent consultation with your friends, or with those upon whose support you might calculate.

Believe me, &c.

The Hon. E. Deas Thomson, &c. &c. (Signed) W. Denison.

Encl. 2 in No. 7.

Enclosure 2 in No. 7.

Sir, Barham, January 24, 1856.

I have the honour to acknowledge the receipt of your Excellency's letter of the 21st instant, requesting me to undertake the task of forming a Government under the new Constitution. I am very grateful to your Excellency for the distinguished honour

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thus conferred upon me, and for so valuable a mark of your Excellency's confidence. I am bound also to acknowledge, with sentiments of sincere thankfulness, the consideration shown to me by your Excellency, in deferring until my arrival in the Colony all arrangements necessary for appointing the new administration. The very kind and complimentary terms in which you have communicated to me your wishes on the subject call also for an expression of my warm thanks—though I cannot but feel that my humble abilities and former services scarcely entitle me to the high encomium which you have been pleased to pass on my qualifications for office. I need hardly assure your Excellency, that in possessing in so complete and satisfactory a manner your confidence, I have anxiously endeavoured to devise the means of meeting your Excellency's wishes. I may also observe, that in returning to the Colony, all my arrangements were made with a view to the resumption of office, if circumstances permitted. I had no desire to remain idle, or to deprive the Colony of my long official experience if it could be made available. It was in this spirit that I entered upon a consideration of your Excellency's proposal, and that I have discussed the matter with those friends with whom I am in the habit of advising. It is not therefore without sincere regret and disappointment that, viewing the question in all its bearings, I have been forced to the conclusion, that I should neither consult my own political reputation nor the benefit of the Colony if I were, under present circumstances, to undertake the highly responsible task which your Excellency has in such kind terms desired to impose upon me. I found that with but one exception, I could not secure the co-operation, in any new administration I might form, of those colleagues with whom I had previously served so many years. I found also, there were what appeared to me insuperable difficulties in obtaining in other quarters the support of such men as I considered likely to hold opinions on the great political questions of the day concurrent with my own. Without, therefore, a sacrifice of political consistency, and a compromise of political opinion, which neither I nor any of my friends considered it proper that I should make, I could not hope to form such a ministry as would act cordially and zealously together for the public good, or command such a majority in the houses of parliament as I considered indispensable to the energetic and efficient performance of the proper functions of the government, or such as would prove satisfactory to the public generally.

I hope, in conclusion, that I may be permitted to assure your Excellency of my anxious desire to be of use to the Colony, and that I shall be found at all times most ready to give my assistance in any way in which, consistently with my own political opinions, it can be constitutionally made available for the benefit of the public service.

I have, &c.

His Excellency Sir W. T. Denison, Knight, &c., &c. (Signed) E. Deas Thomson.

Enclosure 3 in No. 7.

Encl. 3 in No. 7.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth.

To our trusty and well-beloved Sir Charles Nicholson, Knight.*

We, confiding in your loyalty, integrity, and ability, are pleased to nominate and appoint you, the said Charles Nicholson, to be a member of our Executive Council for our Colony of New South Wales, to hold the place of such member of our said Executive Council during our royal pleasure.

In witness whereof, our trusty and well-beloved Sir William Thomas Denison, Knight, our Captain General and Governor-in-Chief of our said Colony, hath, by virtue of our commission and authority to him in that behalf, caused this instrument to be sealed with the seal of our said Colony, at Government House, Sydney, in New South Wales, this thirtieth day of January, in the year of our Lord one thousand eight hundred and fifty-six.

(Signed) W. Denison. (L.S.)

By his Excellency's command,
(Signed) E. Deas Thomson.

Entered on record by me, this thirtieth day of January One thousand eight hundred and fifty-six.

(Signed) W. Elyard,
For the Colonial Secretary and Registrar.

Enclosure 4 in No. 7.

Encl. 4 in No. 7.

My Dear Sir William, Supreme Court, February 8, 1856.

I have communicated your note to my brother judges, and we have all separately and in conference considered the question put to us, as to the conditions on which, under section 51 of the Constitution and Civil List Act, the right of the five Officers there mentioned depends to the retiring pension specified in that section.

* Similar Commissions to Colonel Bloomfield, W. Sharpe M'Leay, Esq., James M'Arthur, Esq.

NEW SOUTH WALES.

2. We have found it necessary to consider in the first place, whether the question ought to be answered by us at all, because it is quite possible, however unlikely it may be, that some or one of the officers might hereafter claim the pension as a matter of legal right, and seek in some way to enforce by law its payment; and in that event, supposing our present opinion to be in effect adverse to the claim, he might complain that we had prejudged it without argument. We think, however, that under the peculiar, if not unprecedented, circumstances, in which your Excellency is placed, as explained in your note, and having regard to the nature of the point itself, one that directly affects the public interests, we ought not to withhold our views on the question.

3. It is indeed most important to the parties themselves that a sound decision should be arrived at; for should pensions be granted them on insufficient grounds, and the legality of the grant be at any time hereafter justly impeached on that score, the individuals might be most seriously compromised, and there would then be no remedy. We think it right, however, to answer your question respecting the pensions, not because of any sense of duty to those gentlemen. We feel that there are occasions, although they may be rare, when the judges can with propriety assist Her Majesty's representative with their opinion on the construction of an Act of the Legislature, and we conceive this occasion to be one. Independently of any argument (on which too much stress was in former times laid) derivable from the terms of our oath of office, there are numerous instances in which the extra-judicial opinion of judges, down to recent periods, have been asked by the Crown, and given. The question put to the judges on the Habeas Corpus Act, in the reign of George the Third, and to ourselves a few years ago, by desire of the Legislative Council, as to Mehan's Marriage Bill, are examples similar in character; and both Lord Coke, and after him Sir W. Blackstone, distinctly mention the judges as the Sovereign's "council" in law matters.

4. It is right, however, to remind you, that in giving our views in the capacity rather of lawyers than of judges, without argument (or the means of hearing arguments) from any party to be affected by them, we may possibly hereafter, should the same question arise in the course of any judicial proceeding, see occasion to change these views, and that it will be our duty in the event of discussion to keep our minds open to change. How far these circumstances may affect the value of our present opinion it will be for your Excellency to determine.

5. With this prefatory matter which we have thought it right to introduce, I proceed to the question put to us touching the conditions on which the officers "liable to retire or to be released" from office, on the coming of the new system of government into operation, will become entitled to the pensions which are provided for them on such release or retirement.

6. In the first place, we are clearly of opinion that if the words "be released" have substantially a different meaning from that in which the word "retire" is used in the enactment, the former can only indicate some act or omission of a third party, altogether independent of (if not opposed to) the will of the officer himself, such as the Governor requiring the officer to resign, or the Governor or person entrusted to form a ministry not requiring his continuance in office. Assuming either measure to be on political grounds, the officer affected by it will, in our opinion, have been released under circumstances entitling him to his pension.

7. In the second place, we as clearly conceive that the word "retire," although indicating a voluntary act, does by no means import that it is to be spontaneous, or at the mere will and pleasure or unlimited discretion of the retiring officer. The words in the 37th section are "liable to retire from office." And although in section 51 the words used are "who may retire" (the words "or be released" being then added), yet the proviso in the same section speaks of the officers as persons "so liable to retire or be released." It appears to us to be plain, therefore, that the same throughout, and that the position mentioned and intended for officers who, being "liable" to retire, *i. e.* who may be compelled by circumstances to retire, shall in fact so retire.

8. If because merely of the change to which the new constitution would expose them, the legislature had intended that these officers should be compensated, or might claim pensions as a matter of course, resigning whenever they thought fit (on whatever grounds) to do so, very different language would have been adopted. But the "liability" of the officers to retirement, in other words, his exposure to the necessity of retirement under certain circumstances, is evidently the foundation of the claim; and the immediate cause of retirement is limited to particular, that is to say, political grounds.

9. The moral necessity of the retirement then, on political grounds, being the foundation of the claim, the next question is, what circumstances will constitute such a necessity? We can only answer the question, by reason of its nature, in very general and indefinite terms; and without examples to illustrate our meaning, we shall scarcely be able intelligibly to convey it. We think that the five officers should, for the purpose of determining the question, be considered in the light of a ministry in England; and that whenever under similar circumstances (or circumstances involving a principle the same in character) the British ministry would assuredly resign, or ought to resign, those officers would be justified in retiring in this colony. We apprehend that no British ministry retires while there is a reasonable prospect of its being able to carry on the government; and that such a retirement has never been considered justifiable, (or if justifiable, has never been

deemed necessary,) until all the usual means for testing that ability have been tried. The resignation of a ministry, therefore, we have always understood to imply a moral necessity, a result forced on its members in some way or other by political circumstances.

10. The retirement of an individual member we conceive, if political circumstances form the ground of it, must be in some degree of the same character. If he can no longer conscientiously act with his colleagues, because of some irreconcileable and important political difference, paramount to all considerations tending to union with them, he is morally compelled to retire. The application of those views to any given state of circumstances in this colony may often be a matter of difficulty, but the analogy which is supplied by the position of the British ministry in relation to parliamentary government will, we apprehend, in all cases furnish the rule and guide.

11. We entertain no doubt that the changes made by your Excellency's Commission in the constitution of the Executive Council do not constitute valid political grounds within the meaning of the enactment for the retirement of any of those officers. Their liability or exposure to retirement, as we have already intimated, was inevitable by the very nature of the responsible or parliamentary government, and that mode of government, we must presume, was intended to be introduced by that Act. We infer also that the five officers mentioned were meant to be (perhaps supposed to be) constituted the members of that government, but they are nowhere so constituted. They are in no section, not even in the margin, denominated "Responsible" officers. It is in no place enacted that they shall be members of the Executive Council. It was perhaps taken for granted that they would be. The Act, however, as to this simply establishes a government by the Queen and Parliament as to legislative, and by the Governor and an Executive Council as to executive matters, leaving it undetermined who shall be its members.

12. If, as already observed, this change was meant to induce or justify a retirement by the five officers mentioned (some or one of whom, it was quite clear, might or might not be in the Executive Council) other language would doubtless have been used. The new Commission does no more as to this matter than authorize the Governor to appoint whomsoever he will to that Board. In this there seems to be no more than what was to have been expected, and scarcely more or less than was necessary.

13. If any of these officers, still retaining office and being willing (in conjunction with others) to undertake the duties of a government responsible to the country, should apply to be admitted into the Executive Council and be refused, or being admitted should not be consulted there as a member of the government, there might as to him be some difficulty. Such a refusal or omission might perhaps in his case be equivalent to a release. We should give no opinion on this point, however, without further deliberation. It is not every member of an administration, we need hardly observe, who is of the Cabinet, and if not such he would not necessarily be of the Privy Council, nor (we presume) would he in that case, although a member of the Council, be summoned to attend the Council.

14. We do not think that the term "political grounds" should receive a narrow, or otherwise than a fair and liberal construction. All that we desire to convey as our impression is this,—that the right to the pension will not arise unless the retirement be in fact and bonâ fide, on political grounds, a matter of moral pressure or compulsion. To illustrate our meaning fully would require many examples, and we have time for a few only. If a ministry could not be formed coherent in opinion on vitally important questions (such as the elective or nominated second chamber, or the claim of squatters to a certain extent of vested right), then we apprehend that he who had attempted the task of forming the ministry would retire as a matter of necessity. In like manner, always supposing the differences to be themselves inevitable as well as real, if a ministry already formed should be unable to concur, or should find their views opposed to those of the Governor on some such vital and leading matters, but minor differences, or the being outvoted by some accident, or on a subordinate question (such as the amount of a particular salary, or some proposed expenditure on a road) would not, we think, present a case justifying retirement.

15. In any event, too, the ministry would be compellable to continue in office for a time. In Great Britain, ministers never in fact throw up their offices, or refuse to do acts devolving on them as ministers; they continue invariably to hold office until successors are found to them.

16. Mr. Justice Thorry and Mr. Justice Milford entirely concur in this letter. Mr. Justice Dickenson agrees generally in the views expressed in it, but not that the five officers have, under any circumstances, the option of retiring. If, in order that the government may be in harmony with the legislature, any such officers should be called on to retire by the Governor, or any person entrusted to form a cabinet, then, clearly, that officer would on retirement be entitled to the pension; but his Honour conceives that so long as such officers are allowed to retain office, they cannot by resignation claim the pension in question, whether they be members of the Executive Council or not.

I have, &c.

(Signed) ALFRED STEPHEN.

NEW SOUTH WALES.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir W. DENISON.

(No. 6.)

SIR, Downing Street, May 2, 1855.

I HAVE received your Despatch, No. 176,* of the 30th of December last, transmitting a copy of a letter from the chairman of a meeting of the citizens of Sydney held on the 30th of October last, together with a petition addressed to the Queen, praying that the task of framing a constitution for the Australian colonies generally and for New South Wales in particular may be devolved either on the Imperial Parliament, in accordance with the principles pointed out in the petition, or on a constituent assembly to be constituted under the authority of Parliament.

I have also received the petitions to the same effect, which accompanied your Despatch, from the inhabitants of the city of Newcastle, and the districts of Windsor, Richmond, and the Hawkesbury.

You will acquaint the petitioners that I have laid these petitions before the Queen, who was pleased to receive them very graciously; and you will state that the subject is still under the consideration of Her Majesty's Government.

I have, &c.
(Signed) J. RUSSELL.

Governor Sir W. Denison, &c. &c.

* Page 1 of Parliamentary Papers, presented 20th April 1855.

No. 2.

No. 2.

COPY of a DESPATCH from the Right. Hon. Lord JOHN RUSSELL to Governor Sir W. DENISON.

(No. 20.)

SIR, Downing Street, May 23, 1855.

MY attention has been called to the petitions from various parties in New South Wales desirous of the creation of Moreton Bay district into a separate government. Adverting to the opinions expressed by your predecessor in his despatches* of the dates and numbers noted in the margin, I wish to receive from you a report on the expediency of such separation, and the views of the various bodies who support and oppose such a measure.

I have, &c.
(Signed) J. RUSSELL.

Governor Sir W. Denison, &c. &c.

* vide Note at foot of page.
No. 104, June 30, 1852.
125, Aug. 11, „
160, Sept. 17, „
198, Dec. 3. „
209, Dec. 29, „
14, Sept. 6, 1853.
40, Feb. 28, 1854.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir W. DENISON.

(No. 28.)

SIR, Downing Street, June 2, 1855.

I HAVE received your Despatch, No. 16,* of the 23d of February last, forwarding an address signed by 799 electors and inhabitants of New South Wales against the proposed Constitution Act of the Colony, 17 Vict. No. 41, and I have to convey to you my approval of the answer which you returned to the same, of which a copy likewise accompanies your Despatch.

I have, &c.
(Signed) J. RUSSELL.

Governor Sir W. Denison, &c. &c.

* Page 3.

* No. 104,	*vide* Parl. Papers,	"Convict Discipline,"	December	1852,	page	112.
„ 125	„	„	July	1853	„	129.
„ 160	„	„	„	„	„	131.
„ 198	„	„	„	„	„	134.
„ 209	„	„	„	„	„	135.
„ 114	„	"Constitution"	„	1854	„	8.
„ 40	„	„	„	„	„	55.

No. 4.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir W. DENISON.

(No. 32.)

SIR, Downing Street, June 5, 1855.

I HAVE received your Despatch, No. 8*, of the 15th of February last, enclosing a petition addressed to the Queen by certain inhabitants of Parramatta, praying that the Act 17 Vict. No. 41, for effecting certain changes in the constitution of the colony of New South Wales, may not receive Her Majesty's assent, and that the task of framing a constitution for the Australian Colonies generally, and for New South Wales in particular, may be devolved on the Imperial Parliament, or on an Assembly to be constituted under the authority of Parliament. * Page 1.

I have also received your Despatch, No. 17*, of the 24th February last, enclosing a similar petition from the inhabitants of the town of Kiama. * Page 4.

You will inform the parties from whom these respective petitions proceed that I have laid them before the Queen, who was pleased to receive them very graciously.

I have, &c.
(Signed) J. RUSSELL.

Governor Sir W. Denison,
&c. &c.

No. 5.

No. 5.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir W. DENISON.

(No. 51.)

SIR, Downing Street, July 20, 1855.

I TRANSMIT to you the Act "to enable Her Majesty to assent to a Bill "as amended by the Legislature of New South Wales, to confer a Constitu-"tion on New South Wales, and to grant a Civil List to Her Majesty," which has now received the Royal Assent. 18 & 19 Victoria, Cap. 54.

2. Former communications from this department will have made you acquainted with the causes of the delay which has occurred in passing this measure into law: the bill of the Colonial Legislature of Victoria did not reach this country until May last year, at too late a period in the Parliamentary Session of 1854 to enable Her Majesty's Government to introduce any measure to Parliament with that full consideration and that careful comparison with the bills of a like character passed by the other colonial Legislatures of Australia, which the great importance of the subject required.

3. In the form which they have chosen for the Legislative measure now passed into law, Her Majesty's Government have in substance followed the precedent of the Act passed on a somewhat similar occasion to meet the wishes of the Legislature of Canada for altering the Civil List established by the Canada Union Act, namely, the 10 & 11 Vict. c. 73.

4. It was their opinion and that of Parliament that although the Legislature of New South Wales had exceeded the powers conferred on it in passing their Bill, and although, therefore, Parliamentary enactment was necessary, it was more expedient to preserve in form, as well as in substance, the measure which had been fully considered and finally enacted by that Legislature, than to supersede its provisions by direct Parliamentary legislation.

5. In rigorous adherence to the same principle, no alteration has been made in any of those provisions which are simply of a local character. It has been the conviction of Parliament that in regard to all points affecting internal government in colonies having local representation, the general principles common to Great Britain and her colonies must be applied with the knowledge of circumstances which can only belong to the colonies. Her Majesty's Government have every reason to hope that the measure before them will form a durable foundation for the social prosperity and good government of New South Wales; but the responsibility for its introduction will rest, as it ought to do, with the members of the Council, by whom it was, in all substantial points, prepared and discussed.

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6. But those portions of the provincial enactment which controlled and regulated the future power of the Crown as to the reservation and disallowance of colonial Acts, and as to the instructions to be given to Governors respecting them, have been omitted by Parliament. These portions were plainly not of a local character, but regarded the connexion of the colony with the body of the Empire. I will not now enter into the very important subject of discussion which the omitted clauses afford. It is sufficient for me on the present occasion to observe, that Her Majesty's advisers were of opinion that a change of such vital consequence ought not to be effected by partial legislation in the way proposed; and if even this were otherwise, the particular clauses in question were open to difficulties of an insuperable kind.

7. With respect to the instructions given to governors, I am not sure that some amount of misapprehension does not prevail. It has been the uniform practice, not in Australia only, but throughout the Colonial Empire of Great Britain, for Her Majesty's Government to issue general directions to governors as to the classes of Acts which should be reserved by them for the assent of the Crown, sometimes by the formal instruments accompanying their commissions, sometimes merely by despatch. But these instructions, however binding on the governor's discretion, are not in the nature of legal conditions, the non-observance of which in any way affects the validity of colonial Acts. The clauses in question would therefore have removed no substantial legal impediment, while they would have fettered the supreme executive authority in a manner wholly inconsistent with the preservation of the general interests and unity of the empire.

8. The only other portions omitted are clauses 53 and 54 of the Colonial Act, according to the original numeration, which went beyond the functions of the legislature, relating as they did to other colonies besides New South Wales, and might have become inconvenient from possible conflict with other local enactments, if they had been ratified by Parliament.

9. It is now necessary that I should direct your attention to a few particular clauses of the Act of Parliament authorizing Her Majesty's assent to the colonial enactment which follows in the schedule.

10. The necessity for some provision such as that embodied in Section 4. is evident, when the framework of the Colonial Bill is considered.

11. By Sections 17 and 42 of that Bill (referring to the original numeration) power was given to the new Legislature to alter the constitution of the council, subject to certain provisions as to the majority. But the framers of the Constitution appear to have omitted altogether any special provision, reserving to the future Legislature power to alter any other provisions of the Bill whatever.

12. Of course if this Bill had been passed in the exercise of the legitimate functions of the Council, and required only the assent of the Crown to give it force, this power would have been implied. The new Legislature might alter anything done by the former. But inasmuch as the sanction of Parliament was required, the several provisions of the Bill would have become, in a legal point of view, sections of an Act of Parliament, and it might be very doubtful, at least, whether in the absence of special provision the new Legislature could have in any way meddled with them.

13. The effect of the provision as now introduced will, it is conceived, be as follows. In the first place the new Legislature will have full power to alter all the provisions of the Bill not specified in clauses 17 and 42 aforesaid; in the next place it will have power to alter the portions specified in those clauses, subject to the conditions imposed by those clauses; and finally it will have power to repeal those conditions themselves, if it shall think proper, by enactment passed by simple majorities. By this provision Her Majesty's Government conceive that the purpose of the Council will be most effectually answered, because if the Bill had been passed under their ordinary powers it is clear that, although they might have imposed these conditions, any subsequent Legislature might have repealed the clauses imposing them by simple majorities. But in any case of a Bill being offered for your assent repealing these conditions you will reserve such Bill for Her Majesty's pleasure.

14. In this way also Her Majesty's Government conceive they are but fulfilling the very important purpose of allowing full and free re-consideration of the Constitution of the Legislative Council or Upper House. They have no wish whatever to prejudge that question.

15. Section 5 has been introduced in pursuance of the opinion given by the Law Advisers of New South Wales, and communicated by Sir C. Fitzroy's despatch of 20th December 1853, No. 160, and of the wishes of the Executive Council therein expressed. It is hoped that the power given to the two Legislatures to alter this provision by concurrent laws may obviate any inconvenience which might otherwise be found in its application.

16. Sections 6 and 7 are necessary, in order to enable Her Majesty to carry at any future time into effect the power given by former statutes, and continued by the local Bill, in different words, of separating from New South Wales such portions of its northern territories as may appear to require the establishment of an independent government.

17. With respect to the schedule containing the Civil List, as it is popularly termed, although in effect only an enactment withholding certain portions of the regular expenditure of the colony from being voted in the annual estimates, Her Majesty's Government have the fullest reason to recognize the ample nature of the provision therein made, and to admit that the Legislature have acted on a very liberal understanding of the mutual engagements which formed the basis of the present enactment.

18. It is, however, by no means their wish to enforce on the colony the observance of the present arrangement as final. They believe it to be of great importance to the political well-being of a community that certain services of the higher class should be provided for by law, and not subject to annual vote; but they regard this as a subject of strictly local, however high, concern, and they would not be justified in throwing other obstacles in the way of its reconsideration than what the local legislature have themselves thought proper to raise.

19. But with respect to the holders of present interests, whether in the salaries or pensions provided for therein, Her Majesty's Government entertain the opinion, in which they do not doubt the concurrence of yourself and the Legislature, that the maintenance of those interests is incumbent on the Crown in order to keep faith with individuals, and incumbent on the Legislature in due execution of its compact with the Crown. I have, therefore, to instruct you to reserve for the assent of the Crown any Bill which may affect such interests, those, namely, of present incumbents, either in such salaries or pensions, unless in your discretion you think proper to negative it.

20. With respect to all other Bills I have no instructions to convey other than those implied in the general rule, that Her Majesty's Government fully recognize in practice the expediency of leaving local questions to be dealt with by the local Legislature, although they are not prepared to admit the practicability of the scheme devised by the Legislature of New South Wales for classifying such questions.

21. The only remaining instructions which I have to convey relate to the introduction of responsible government; but it is so evident from the provisions of the Colonial Bill before me, that your advisers and the Legislature have had fully in view the exigencies of that system, that I am not aware that any special directions are required from myself. You will shortly receive a fresh Commission and Instructions amended in those particulars which the introduction of that system renders it necessary to change. There need be no delay in your bringing the Act into operation, as these documents will arrive in time for the assembling of the new Legislature.

22. I need scarcely say that the question of introducing into the measures lately before Parliament, clauses to establish a federal union of the Australian colonies for purposes of common interest, has been very seriously weighed by Her Majesty's Government; but they have been led to the conclusion that the present is not a proper opportunity for such enactment, although they will give the fullest consideration to any propositions which may emanate in concurrence from the respective Legislatures.

23. I will now conclude with the expression of my sincere hope, and that of Her Majesty's Government, that the new institutions thus conferred on New South Wales, greatly extending as they do the powers of self government now possessed by its community, may prove of permanent and solid advantage. It has been a source of deep satisfaction to Her Majesty's Government, and to all classes in the mother country, to mark the practical evidence which has been afforded by their Australian fellow subjects, and foremost among them by the people of New South Wales, of their deep sympathy with her fortunes throughout

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the arduous struggle in which she is now engaged. And at the same time the colonists of New South Wales, by their avowed desire to assimilate their institutions as far as possible to those of the parent country, have proved that this sympathy was not merely the expression of a common sentiment arising from common origin, but connected with a deliberate attachment to the ancient laws of the community from which their own has sprung. Whilst continuing, therefore, to pursue their present independent career of progress and prosperity, I have the fullest confidence that they will combine with it the sedulous maintenance of ties thus cemented alike by feeling and principle.

I have, &c.

Governor Sir W. Denison, &c. &c. (Signed) J. RUSSELL.

No. 6.

No. 6.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir W. DENISON.

(No. 52.)

SIR, Downing Street, July 20, 1855.

No. 36, 20th July 1855. See page 45.

I TRANSMIT to you for your information copy of the Despatch which I have addressed to the Governor of Victoria, enclosing the Act for establishing the new Constitution of that province.

I have, &c.

Governor Sir W. Denison, &c. &c. (Signed) J. RUSSELL.

No. 7.

No. 7.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir W. DENISON.

(No. 53.)

SIR, Downing Street, July 20, 1855.

* Page 15.

WITH reference to my Despatch, No. 51,* of this date, I transmit to you the "Act to repeal the Acts of Parliament now in force respecting the "disposal of the Waste Lands of the Crown in Her Majesty's Australian "Colonies, and to make other provisions in lieu thereof," which has now received the Royal assent, and which completes the arrangements necessary for the introduction of the new Constitution. Its provisions appear to call for no special explanation.

18 & 19 Vict. c. 56.

I have, &c.

Governor Sir W. Denison, &c. &c. (Signed) J. RUSSELL.

No. 8.

No. 8.

COPY of a DESPATCH from the Right Hon. Sir W. MOLESWORTH to Governor Sir W. DENISON.

(No. 1.)

SIR, Downing Street, July 21, 1855.

* Page 15.

WITH reference to my predecessor's Despatch, No. 51*, of the 20th inst., transmitting to you the Act "to enable Her Majesty to assent to a Bill as "amended of the Legislature of New South Wales, to confer a Constitution on "New South Wales, and to grant a Civil List to Her Majesty," I now transmit the order passed this day by Her Majesty in Council, declaring Her Majesty's assent to the said Bill.

21st July 1855.

I have, &c.

Governor Sir W. Denison, &c. &c. (Signed) W. MOLESWORTH.

Encl. in No. 8.

Enclosure in No. 8.

At the Court at Osborne House, Isle of Wight, the 21st day of July, 1855.

Present:

The Queen's most Excellent Majesty in Council.

WHEREAS by an Act passed in the 19th year of Her Majesty's reign, intituled "An Act "to enable Her Majesty to assent to a Bill, as amended, of the Legislature of New South

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"Wales, to confer a Constitution on New South Wales, and to grant a Civil List to Her "Majesty," it is amongst other things enacted that it shall be lawful for Her Majesty in Council to assent to a Bill passed by the Legislative Council of New South Wales in the year 1854, intituled "An Act to confer a Constitution on New South Wales, and to grant "a Civil List to Her Majesty," and reserved by the Governor of New South Wales for the signification of Her Majesty's pleasure thereon, such Bill being amended by the omission of certain provisions thereof, as in the said Act specified.

Now, therefore, Her Majesty, in pursuance of the said Act of Parliament, and in exercise of the power thereby reserved to Her Majesty as aforesaid, doth by this present order, by and with the advice of Her Majesty's Privy Council, declare her assent to the said Bill, so amended as aforesaid.

And the Right Honourable Sir William Molesworth, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) WM. L. BATHURST.

No. 9.

No. 9.

COPY of a DESPATCH from the Right Hon. Sir WILLIAM MOLESWORTH to Governor Sir W. DENISON.

(No. 7.)

SIR, Downing Street, August 8, 1855.

I HAVE to acknowledge two despatches of Sir C. Fitzroy's, of the numbers and dates noted in the margin, transmitting a petition from certain colonists, praying Her Majesty would withhold her assent from the Bill for granting a Constitution to New South Wales, and a letter from the chairman of the "New South Wales Constitution Committee," in relation thereto. You will have perceived from my predecessor's despatch transmitting the Act of Parliament under which the Royal assent was given to the Bill in question, and still more from the report of the debates which took place in Parliament, the reasons which prevailed against acceding to the prayer of this petition, and the discussion which its subject underwent.

No. 140, 10 Nov. 1853.
No. 141, 11 Nov. 1853.
(*Vide* Papers presented July 31 and August 10, 1854, pages 12 and 14.)

I am not aware that any other despatches of your predecessor, conveying representations respecting the matter in question, remain unacknowledged; but if such should be the case, you will consider my present despatch as equally applying thereto.

I have, &c.
(Signed) W. MOLESWORTH.

Governor Sir W. Denison,
&c. &c.

No. 10.

No. 10.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir W. DENISON.

(No. 18.)

SIR, Downing Street, February 4, 1856.

I HAVE received your Despatch, No. 168,* of the 18th of October last, on the subject of the separation of the Moreton Bay district from New South Wales, and of the establishment of a separate Government in that province.

* Page 6.

In consequence of the decided opinion which you have expressed as to the inexpediency of such a separation in the existing state of that district, I shall abstain for the present from the adoption of any measures for that purpose; and you will inform those parties who are interested in the question that such is the decision of Her Majesty's Government.

I have, &c.
(Signed) H. LABOUCHERE.

Governor Sir W. Denison,
&c. &c.

No. 11.

No. 11.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir W. DENISON.

(No. 69.)

SIR, Downing Street, June 2, 1856.

I HAVE received your Despatch, No. 29,* of the 19th of February last, in which you report the course which you had up to that time pursued in reference to the reconstruction of your Executive Government under the new Constitution Act.

* Page 9.

NEW SOUTH WALES.

I have no reason to doubt that you exercised a sound discretion in the mode which you adopted of dealing with that question.

I have, &c.

Governor Sir W. Denison, &c. &c.

(Signed) H. LABOUCHERE.

No. 12.

No. 12.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Sir W. Denison.

(No. 89.)

Sir, Downing Street, July 21, 1856.

It has been for some time under the consideration of Her Majesty's Government, what provision it would be most advisable to make for the performance of your functions in the Colony now under your administration, either in the event of your making a vacancy and until the arrival of your successor, or in that of your temporary absence from the Colony.

No Lieutenant-Governor having been appointed by the Crown, these functions would, according to the tenor of your Commission, devolve on the Colonial Secretary. But under the system of responsible Government, this officer will be among those who will assume and resign office on political ground; and it is obvious that a functionary so circumstanced ought not, in justice to himself as well as the community, to be entrusted with the Government of the Colony during any casual vacancy.

According to a practice formerly prevalent, and still adopted in various of Her Majesty's Colonies, the officer in command of Her Majesty's Troops would be entrusted with this duty. But while New South Wales is rapidly advancing in importance, the great internal changes in its society have enabled Her Majesty's Government to reduce considerably the number of Troops to which its defence is entrusted; and it would be highly inconvenient that a military officer should be charged with functions of so important a character to which his rank in the service would be inappropriate.

Her Majesty's Government have therefore determined to revert to a practice not unknown in former Colonial Administration. The Warrant now transmitted to you vests the government, in the event of your death or absence, in the Chief Justice, the President of the Legislative Council, and the Colonial Secretary, jointly.

July 1, 1856.

I have not considered it proper to make this Despatch confidential, as its contents are of public importance; but as it relates to a contingency only, I leave to your judgment the manner and time of communicating it.

I have, &c.

Governor Sir W. Denison, &c. &c.

(Signed) H. LABOUCHERE.

No. 13.

No. 13.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Sir W. Denison.

(No. 90.)

Sir, Downing Street, July 21, 1856.

With reference to correspondence which has passed between this Department and Sir Charles Fitzroy and yourself, respecting the projected separation of the Northern Districts of the Colony of New South Wales, and their erection into a distinct Colony, I have now to inform you that Her Majesty's Government have determined that the time has arrived when this separation would be desirable.

They have not failed to give their fullest attention to the arguments adduced by yourself as well as Sir Charles Fitzroy against this determination. But they feel that those arguments rest on premises which are every day more and more set aside by the progress of events; and, on the whole they believe that it is better to run the risk of forming into a Colony a community as yet in some

respects immature, but rapidly advancing to maturity, than of letting the partial difficulties of separation, and the ill-feeling which the present state of things is calculated to engender, grow stronger from day to day.

In addition to these views of their own, they have been urged by the strong and repeated representations of parties possessing the confidence of the inhabitants of the Northern Districts, and also by statements directly proceeding from what they believe to be the majority of the inhabitants of the Northern Districts.

They feel also the more bound to entertain this question from the circumstance that the Legislative Council of New South Wales, by virtue of the proviso contained in the 46th Section of the New South Wales Government Act, have given their sanction to the principle, that the period at which the separation is to take place is to be left to the decision of the Crown.

The following are the most important questions, as it occurs to me, which remain to be decided:—

1. The Boundary between the two future Provinces. On this point I have had the valuable assistance of a memorandum drawn up by Mr. Deas Thomson when in England, as well as of the statements of gentlemen interested in the Northern Provinces. With the materials thus before them, Her Majesty's Government will have no great difficulty in fixing on a line which will run not far to the south of 30° S. latitude, but will be accommodated to suit the natural features of the country.

2. The future Government of the separated portion. The necessary powers for this purpose have been conferred on Her Majesty by the Act of Parliament enabling Her to confirm the New South Wales Bill, and I shall address you further on the subject on another occasion.

3. The division of the Debt of the Province. I am in correspondence with the Law Advisers of the Crown on the subject of the legal method by which this division may be effected. But whatever their opinion on this point may be, there can be no doubt that the basis of arrangement should be an equitable division according to the several contributions to the revenue of the two portions, and the benefit which they respectively derived or expected from the public services to which the loans thus contracted were appropriated. On this subject especially I am anxious to receive, as soon as practicable, a report from yourself, with the advice of your Council.

I have, &c.
(Signed) H. LABOUCHERE.

Governor Sir William Denison,
&c. &c. &c.

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Despatches from Governor Sir Charles Hotham, Bart. and Major-General Macarthur.

No. 1.

No. 1.

COPY of a DESPATCH from Governor Sir CHARLES HOTHAM, Bart., to the Right Hon. Lord JOHN RUSSELL.

(No. 85.) Toorac, near Melbourne, June 27, 1855.

(Received September 24, 1855.)

(Answered No. 29, October 6, 1855, page 48.)

MY LORD,

ON the last day of the session which has just terminated, one of the most influential members of the Legislative Council gave notice of his intention to bring forward a resolution early in the ensuing session:—

"1. That this Council, after four years practical experience of the working "of the system of irresponsible government in Victoria, declares that it has "proved itself most injurious to the highest interests of her people, confessedly "unsuited to their wants, opposed most flagrantly to their deliberate wishes, "destructive alike of their unalienable rights and most cherished constitutional "liberties, and ought forthwith to cease for ever in this country.

"2. That whether the new Constitution shall have reached Victoria or not, "this Council is of opinion that it is their paramount duty to call upon the "Governor-in-Chief on behalf of the inhabitants, whose happiness and pros-"perity are imperilled, present and future, to establish a system in consonance "with the views and opinions of a free people, the enlightened system of "Responsible Government.

"That this Council pledges itself to make an equitable provision for those "officers of Government who may be compelled to retire from office in conse-"quence of the contemplated political changes."

I am informed by the Law Officers of the Crown that no legal objections exist to the adoption of the change which is recommended in the motion; but as it involves the introduction of Responsible Government, I am desirous that you should furnish me with instructions as to the course which I should pursue.

Since the despatches of Sir John Pakington, No. 95, of the 15th December, 1852, addressed to Governor Sir Charles Fitzroy, and No. 81, of the same date, addressed to Lieutenant Governor Latrobe, were communicated to the Legislative Council, a heart burning, for I can call it nothing else, on the part of the people for Responsible Government has existed; rightly or wrongly they have imagined that benefits are withheld from them which under Responsible Government they would obtain, and therefore month by month their dissatisfaction has increased, until it finds vent in the motion to which I have drawn your attention.

The commercial state of the colony and its embarrassed finances have greatly tended to augment this dissatisfaction. From over trading many failures have ensued, whilst from the mismanagement of its finances great reductions have been necessitated, and thus there has been caused a contraction in the expenditure of both government and individuals.

The influences to which I have alluded give rise in all countries to disturbances and bad feeling; but men repaired to this colony in the sanguine expectation of accumulating fortunes with ease and rapidity. They were not prepared to encounter the difficulties which occasionally weigh down the old world, but created in their own minds an "El Dorado" in the new, and ill brook the checks and embarrassments to which life is incidental, be the place of abode where it may.

Hence it follows that an unprosperous social state produces in these colonies more deep discontent than in Europe; half the population will not, or are unable, to reason. It is sufficient that a check has arisen which temporarily interferes with their views to induce them to become disaffected, and to lay the cause to the Government, without considering whether it had or had not the powers of preventing it.

It does seem to me of great importance that a constitutional form of government should be granted to the people of these colonies. The popular anger will then be directed—not against the connexion with the old country, or

against the Governor—but against their own chosen government, and their disputes and political animosities will be exclusively confined to themselves.

But there are other circumstances which induce me to urge this subject upon your notice. According to law, the present Legislative Council must be dissolved on the 1st of October 1856, and new writs for a general election will follow. From the temper of the colonists, and more especially from the feeling which exists on the gold fields, I am satisfied that an universal demand for Responsible Government will arise, and that they will refuse to proceed to an election unless the government is to be chosen from the majority of the new Council.

If the Constitution should not have arrived before that period, either I must accede to the wishes of the people, prepare for an excitement which will border on a revolution, or leave the colony without a government.

Even supposing matters could be kept where they are, the administration of government is in an unsatisfactory state. Unless the policy is in conformity with the wishes of one section of the members of the Legislative Council an average majority cannot be commanded, and without such a majority government cannot do justice to the general interests of this important colony.

My previous despatches will have shown you that both the social and financial state of the colony rendered a jar with all parties inevitable. To identify myself with one party was to adopt their views and cripple any powers of usefulness which I might possess, but it resulted, that although measures of extreme importance were passed, at the close of the session the government were defeated in their financial scheme, and left hampered with votes and resolutions of the Council, but without money to make them good.

Such a state of things could not have happened under Responsible Government. A defeated administration would have resigned, and their successors would have been chosen from the opposition, and the force of the executivemaintained.

As it is, I am compelled to stop the progress of the colony in its roads and public works, and bring suffering on a community who have not merited it, and who have not been in any way concerned, because the present form of government prevents escape from the dilemma.

I am well aware that Her Majesty's Ministers are alive to the necessity of the change being made, but I am desirous to press upon them the importance of removing the uncertainty under which the public mind labours, and I would especially request that you do, by return of mail, inform me—

1. When the Constitution may be expected.

2. Whether, in the event of a delay being likely to arise before the arrival of the Constitution, Her Majesty's Government will give their sanction to the object contained in Mr. O'Shanassy's motion.

And finally I repeat it is most urgent that I should receive an immediate answer.

I have, &c.

The Right Hon. Lord John Russell, (Signed) CHARLES HOTHAM.
&c. &c. &c.

No. 2.

No. 2.

EXTRACT of a DESPATCH from Governor Sir CHARLES HOTHAM to the Right. Hon. Lord JOHN RUSSELL, dated Toorac, near Melbourne, July 2, 1855, No. 87.

* * * * * * * *

I have the honour to transmit authenticated copies of 17 Acts, being the remaining Acts of the Session just terminated, and to which I have given Her Majesty's assent.

* * * * * * * *

Electoral Act, 18 *Vict. No.* 34.

The sale of Crown Lands at and adjacent to the more important and larger gold fields caused a considerable resident population to settle thereon, who hitherto have not been fully represented.

Formed since the passing of the Victoria Electoral Act of 1851, this population, consisting for the most part of persons interested in or connected with the miners, presented material for a constituency, by means of which sufficient representation might be given to the mining interest. New electoral districts returning additional members have been created; these districts comprising the richest and most populous gold fields, and those in which the greatest quantity of land has been sold.

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Without this representation, the Act for conferring the franchise on persons holding an annual authority to occupy Crown Lands, which has recently received Her Majesty's assent, would be inoperative. With it, the wants of the mining population will, it is trusted, be known, and any grounds for discontent and dissatisfaction removed.

Encl. in No. 2.

Enclosure in No. 2.

No. XXXIV.

AN ACT* to further alter "The Victoria Electoral Act of 1851," and to increase the Number of Members of the Legislative Council of Victoria. [Assented to 22nd May 1855.]

Preamble.

13 & 14 Vict. c. 59.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland passed in the thirteenth and fourteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act for the better government of Her Majesty's Australian Colonies," it was amongst other things enacted that there should be within and for the Colony of Victoria a separate Legislative Council, to consist of such number of Members as should be determined by the Governor and Council of New South Wales, in such manner as is therein directed, and it was further enacted, that it should be lawful for the Governor and Council of the said Colony of Victoria, after the establishment of a Legislative Council therein under the said Act, from time to time by any Act or Acts to establish new Electoral Districts in any part of the said Colony, and to alter the divisions and extent of the Electoral Districts of the said Colony, and to alter and appoint the number of Members of Council to be chosen by the said Districts, and to increase the whole number of Members of such Legislative Council: And whereas by an Act of the said Governor and Legislative Council of the Colony of New South Wales, passed in the fourteenth year of the reign of Her Majesty Queen Victoria, being "The Victoria Electoral Act of 1851," it was amongst other things enacted, that the Legislative Council of the said Colony of Victoria should consist of thirty Members, ten of whom should be appointed by Her Majesty, according to the provisions in the said recited Act of Parliament contained, and twenty of whom should, from time to time, be elected by the inhabitants of the said Colony, in manner therein-after mentioned; and it was thereby also enacted, that the said Colony should be divided into certain Electoral Districts for the purpose of returning Members to serve in the said Legislative Council in manner therein-after mentioned; and by the said Act it was also enacted, that the boundaries of the several Electoral Districts therein mentioned, should for the purpose of the said Act, be deemed and taken to be the boundaries set forth in the Schedule to the said Act annexed, marked A: And whereas by an Act of the Lieutenant Governor and Legislative Council of Victoria, passed in the sixteenth year of the reign of Her Majesty Queen Victoria, intituled "An Act to alter 'The Victoria Electoral Act of 1851,' and to increase the number of Members of the Legislative Council of the Colony of Victoria," it was amongst other things enacted, that the whole number of Members of the said Legislative Council of the said Colony of Victoria should be increased by the additional number of twenty-four Members, and that the said Council should thenceforth consist of the said thirty Members, and the said twenty-four additional Members, amounting in all to fifty-four Members: And whereas, it is expedient to establish new Electoral Districts in certain parts of the said Colony, and for that purpose to alter "The Victoria Electoral Act of 1851," and the divisions and extent of certain of the Electoral Districts as mentioned in and defined by that Act, and to appoint the number of Members to be chosen respectively by the districts thus created, and to increase the whole number of Members of the said Legislative Council: Be it therefore enacted, by His Excellency the Governor of Victoria, by and with the advice and consent of the Legislative Council thereof as follows:

14 Vict. No. 47.

16 Vict. No. 29

Boundaries of certain Districts altered and new Electoral Districts created.

1. From and after the commencement of this Act, the boundaries of the Electoral Districts of the County or reputed County of Grant, the United Counties or reputed Counties of Ripon, Hampden, Grenville, and Polwarth; the United Counties or reputed Counties of Talbot, Dalhousie, and Anglesey, the Pastoral District of Murray, with the exception of such part thereof as is comprised within the County or reputed County of Anglesey; the Pastoral District of the Loddon (heretofore known as Western Port), with the exception of such parts thereof as are comprised within the Counties or reputed Counties of Dalhousie, Bourke, Anglesey, Evelyn, Mornington, and Talbot, and the Pastoral District of the Wimmera, as described in the said Schedule to "The Victoria Electoral Act of 1851," annexed, marked A, shall be altered, and the boundaries of thes aid Electoral Districts shall, instead of those in the said Schedule described, be those described in the Schedule to this Act annexed, marked A, and there shall be created and erected five new Electoral Districts, to be called respectively the Electoral Districts of Castlemain, Sandhurst, Ballaarat, Avoca, and the Ovens, and the boundaries of such new Electoral Districts set forth in the Schedule to this Act annexed, marked B, shall for the purposes of this and the said recited Acts be deemed and taken to be the boundaries of such new Electoral Districts accordingly, and the first mentioned

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* Her Majesty's Assent to this Act conveyed by Mr. Labouchere's Despatch, No. 44. 26 December 1855.

Electoral Districts as altered by this Act, and set forth in the said Schedule to this Act annexed, marked A., shall be deemed and taken to be the same Electoral Districts named in "The Victoria Electoral Act of 1851," as fully and effectually for all purposes as if such altered boundaries had been inserted in the said schedule to "The Victoria Electoral Act of 1851," marked A., and such alteration shall not affect either the number of Members elected or to be elected for such Electoral Districts, or the places for taking the poll at elections for such Electoral Districts respectively, as set forth in the Schedule to the said Act annexed, marked B, or any other provision in the said Act contained, except the boundaries of the said Districts.

Number of Members of Council increased.

II. The whole number of Members of the said Legislative Council of Victoria shall be increased by twelve additional Members, and the said Council shall thenceforth consist of the said fifty-four Members, and the said twelve additional Members, amounting in all to sixty-six Members, of which additional Members four shall be appointed by Her Majesty, according to the provisions of the said recited Act of the Imperial Parliament, and eight shall be elected as herein-after mentioned.

Number of Members to be returned by each new District.

Polling places named.

III. Of the said newly created Electoral Districts, the districts of Castlemaine, Sandhurst, and Ballaarat, shall each return two Members, and the districts of Avoca and the Ovens shall each return one Member to serve in the said Legislative Council respectively, and all such Members shall be chosen and returned according to the provisions of "The Victoria Electoral Act of 1851," and of this Act, and the places for taking the poll at elections in respect of the said newly created Electoral Districts shall be those set forth in connexion with each district in the Schedule hereunto annexed, marked C; provided that such other places shall be polling places for the said Electoral Districts respectively, as shall be appointed for that purpose by the Governor, by any proclamation to be issued by him in that behalf, and published in the *Government Gazette.*

Governor to issue writs for election of members for new districts.

IV. It shall be lawful for the Governor of Victoria, after the passing of this Act, to issue writs for the election of Members to serve in the Legislative Council of Victoria, for the said newly created Electoral Districts of Castlemaine, Sandhurst, Ballaarat, Avoca, and the Ovens, as he is now by law empowered to do in case of a general election.

Times specified in 11th, 14th, 15th, 18th, and 24th sections of "The Victoria Electoral Act of 1851," altered for the year 1855.

V. The dates and times prescribed in the eleventh, fourteenth, fifteenth, eighteenth, and twenty-fourth sections of "The Victoria Electoral Act of 1851" shall not apply to the making out the lists of electors, the publication of such lists, the correction of errors or omissions in such lists, the publication of such errors or omissions, the holding of the court for revising such lists, the delivery of such lists to the returning officer, and the period when such lists shall come into force, or to the performance of any other acts specified in the said sections for any of the said newly created Electoral Districts during the year one thousand eight hundred and fifty-five only. But the lists of all persons qualified to vote in the said newly created Electoral Districts, shall be made out as in the said eleventh section mentioned, between the first day of August and the twenty-eighth day of August, in the year one thousand eight hundred and fifty-five, in lieu and instead of between the first day of June and the twenty-eighth day of June, being the period mentioned in the said section. And the said electoral lists for the said newly created districts shall be printed or fairly and legibly transcribed and published as in the said fourteenth section mentioned, for the period of fourteen days, ending on the fifteenth day of September in the year one thousand eight hundred and fifty-five, in lieu and instead of for the period of fourteen days, ending on the fifteenth day of July, being the period mentioned in the said section. And the time within which any person whose name shall have been omitted in any such electoral list for any of the said newly created Electoral Districts, and who shall claim to have his name inserted therein, shall give notice thereof to the clerk of petty sessions, and within which any person whose name may be inserted in any such electoral list, objecting to any other person as not entitled to have his name retained in the said electoral list, shall give notice to the clerk of petty sessions, and also to the person objected to, of such objection having been taken, as in the said fifteenth section mentioned, shall be, on or before the fifteenth day of September, in the year one thousand eight hundred and fifty-five, in lieu and instead of on or before the fifteenth day of July, being the period mentioned in the said section. And the time during which the clerk of petty sessions shall publish, and keep, and allow to be inspected, a list of all persons claiming as aforesaid to be included in any Electoral list for any such newly created district, and a list of all persons objected to as aforesaid, included in any such electoral list, as in the said fifteenth section mentioned, shall be the period of fourteen days, ending on the thirtieth day of September, in the year one thousand eight hundred and fifty-five, in lieu and instead of fifteen days ending the thirty-first day of July, being the period mentioned in the said section. And the time for the assembling of justices in petty sessions, to hold and for holding courts of revision, for the purpose of revising the lists of electors for the said newly created Electoral Districts as in the said eighteenth section mentioned, shall be between the first day of October and the twenty-first day of October in the year one thousand eight hundred and fifty-five, in lieu and instead of between the first day of August and twenty-first day of August, both inclusive, being the period mentioned in the said section. And the time before which the clerks of petty sessions shall deliver the revised electoral lists of the said newly created Electoral Districts to the returning officer of the district to which such

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lists shall respectively refer, as in the said twenty-fourth section mentioned, shall be the thirty-first day of October, in the year one thousand eight hundred and fifty-five, in lieu and instead of the thirty-first day of August, the period mentioned in the said section. And the general list of electors in the said twenty-fourth section mentioned, fairly transcribed or printed, from the said revised electoral lists respectively, as in the said section directed, shall be the electoral list or roll of electors entitled to vote in each of the said newly created Electoral Districts respectively, at all elections that may take place of members of the Legislative Council between the first day of November, in the year one thousand eight hundred and fifty-five inclusive, and the first day of September in the succeeding year.

Repeal of section 53 of "The Victoria Electoral Act of 1851."

VI. The clause of "The Victoria Electoral Act of 1851," being numbered LIII., relating to the quorum of Council, shall be and the same is hereby repealed, and no omission or failure to elect a Member or Members as or for any of the Electoral Districts mentioned in "The Victoria Electoral Act of 1851," or this Act, whether existing, or altered, or newly created, nor the vacating the seat, nor the avoiding the election of any such member or members, shall be deemed to make the Legislative Council incomplete, or to prevent such Council from meeting and despatching business so long as there shall be a quorum of members present.

Former Acts not altered except as herein expressly stated.

VII. Nothing herein contained shall be taken to repeal or alter any of the provisions of the said recited Acts, except as in this Act especially enacted, and all the provisions, enactments, and proceedings contained or enjoined in or by the said recited Acts shall be applicable and applied to all persons, matters, or things whereunto this Act shall refer, as fully as if this Act were incorporated with the said Acts.

Dissolution of present Council not implied.

VIII. Nothing in this Act contained shall be taken to imply the dissolution of the now existing Legislative Council of the said colony of Victoria, or to abridge, extend, or interfere with the period of the lawful determination thereof.

Commencement of Act.

IX. This Act shall commence and take effect from and after the first day of June, in the year one thousand eight hundred and fifty-five.

SCHEDULES REFERRED TO IN THIS ACT.

A.

BOUNDARIES OF THE ALTERED ELECTORAL DISTRICTS.

The Electoral District of the County of Grant.

Bounded on the east by the western boundary of the County of Bourke, being the Werribee River from its mouth to its source in the Great Dividing Range; on the north by the Great Dividing Range, extending from the source of the Werribee River to that of the Yarrowee River; on the west and south-west by the Yarrowee River to its confluence with the Barwon River; thence by the Barwon River upwards to a creek in H. Hopkins' purchased land, and by this creek upwards, and a line bearing south-east across the Dividing Range to the head of the Salt Creek two miles forty-eight chains; thence by the Salt Creek to the Sea Coast north of Point Roadknight; on the south by the Sea Coast; and on the remainder of the east by the waters of Port Phillip to the mouth of the Werribee River, including the small islands near the channels at the mouth of Port Phillip and those of Geelong Bay, except the country included in the electoral district of Ballaarat.

The Electoral District of the United Counties of Ripon, Hampden, Grenville, and Polwarth.

Ripon:—Bounded on the west by the Grampian Range, which divides the waters of the Wimmera and Glenelg Rivers from those of the River Hopkins, to the rocky extremity near Mount Abrupt; on the south by a line easterly to the source of the first creek, which joins the River Hopkins above Wiselaskie's Station on the western side, and by that creek to the River Hopkins; thence by a line east to Lake Boloke; thence by the southern shores of Lake Boloke to the mouth of the Prackninjerrin Creek, and by that creek upwards to a point where a great bend of the creek turns northward; thence by a line to a point in Emu Creek, about one mile below, and to the west of the confluence of Broken Creek; on the south-east and east by Emu Creek to the confluence with Baillie's Creek, by Baillie's Creek to Lake Burrambeet, the southern shores of Lake Burrambeet and Burrambeet Creek to its source in the Great Dividing Range; and on the north by the Great Dividing Range to the western boundary aforesaid, excepting the country included in the Electoral Districts of Ballaarat and Avoca.

HAMPDEN :—Bounded on the west by the River Hopkins upwards, from the confluence of the Emu Creek to the point opposite the mouth of the small creek above Wiselaskie's Station, dividing it from the County of Villiers; on the north by the southern boundary of the county of Ripon, being a line east from the confluence of the creek near Wiselaskie's Station already mentioned to Lake Boloke; thence by the southern shore of Lake Boloke to the mouth of the Prackninjerrin Creek; thence by that creek upwards until it reaches the spot where it forms a great bend to the northward, from that point by a line in a south-easterly direction to Emu Creek about one mile below, and westward of the mouth of Broken Creek; thence by Emu Creek to the point north of the source of Gnarkeet Ponds; thence on the east by the west boundary of the county of Grenville, viz. :—by a line southerly to the source of the Gnarkeet Ponds; thence by Gnarkeet Ponds to Lake Korangamite; and thence by the west shore of Lake Korangamite to a point east of Lake Pormbeet, and on the south by a direct line to the north end of Lake Pormbeet, and from the north end of Lake Pormbeet to the nearest part of Emu Creek; and thence by Emu Creek to its confluence with the River Hopkins.

GRENVILLE :—Bounded on the west by the eastern boundary of the County of Hampden, namely, a line southerly from Emu Creek to Gnarkeet Ponds; thence by the Gnarkeet Ponds to Lake Korangamite; thence by the western shore of that Lake to a point east of Lake Pormbeet; on the south by part of the northern boundary of the county of Heytesbury and the northern boundary of the County of Polwarth, namely, the southern shore of Lake Korangamite; thence an east line from Lake Korangamite to the north end of Lake Colac; thence by the north shore of Lake Colac to the point due west from the source of the Birregurra Creek, and from that point by a line east to the source of Birregurra Creek; thence by that creek downwards to its confluence with the Barwon; on the east by the River Barwon, to its confluence with the Yarrowee River; thence by the Yarrowee River up to its source in the Great Dividing Range; and on the north by part of the Great Dividing Range to the source of the Burrambeet Creek; thence by that creek and the southern shores of Lake Burrambeet to the point where Baillie's Creek leaves the lake; by Baillie's Creek to its confluence with Emu Creek; thence by the Emu Creek down to the point north of the source of the Gnarkeet Ponds aforesaid, excepting the country included in the Electoral District of Ballaarat.

POLWARTH :—Bounded on the west by the eastern boundary of the county of Heytesbury, namely, the Gellibrand River upwards to its source; thence by the Range to the head of the Pirron Yalloak Creek; by this creek to Lake Korangamite; on the north by the south-eastern shore of Lake Korangamite, and an east line from Lake Korangamite to the north end of Lake Colac; thence by the north shore of Lake Colac to the point due west from the source of the Birregurra Creek; from that point by a line east to the source of the Birregurra Creek; thence by the Birregurra Creek to its confluence with the River Barwon; thence following the course of the River Barwon to a creek in H. Hopkins' purchased land; on the north-east by this creek upwards and a line across the Dividing Range to the head of the Salt Creek, bearing south-east two miles forty-eight chains; thence by the Salt Creek to the sea coast north of Point Roadknight; and on the south-east and south by the sea coast to the mouth of the Gellibrand River.

THE ELECTORAL DISTRICT OF THE UNITED COUNTIES OF TALBOT, DALHOUSIE, AND ANGLESEY.

TALBOT :—Bounded on the north-west and north by the south-western branch of the Loddon River, from its source near Mount Cole to its confluence with the main stream; thence by the Loddon River upwards to the confluence of Mount Alexander Creek, by this creek to its source under Mount Alexander; thence by Mount Alexander Range to the head of Myrtle Creek, and by this creek to its confluence with the Coliban River; on the east by the Coliban River upwards to its source, being part of the western boundary of the county of Dalhousie; and on the south by the Great Dividing Range to the source of the south-western branch of the Loddon River near Mount Cole, excepting the country included in the Electoral Districts of Ballaarat, Castlemaine, and Avoca.

DALHOUSIE :—Bounded on the west by the River Coliban, from its source in the Great Dividing Range to its confluence with the Campaspie River, and by the Campaspie River down to the confluence of Mount Ida Creek; on

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the north by Mount Ida Creek to its source near Mount Ida, by the Dividing Range to the source of Sandy Creek, and by Sandy Creek to the Goulburn River; on the east by the Goulburn River upwards until it joins the Dabyminga Creek, and by that creek to its source in the Dividing Range; on the south by the Great Dividing Range, excepting the country included in the Electoral District of Sandhurst.

ANGLESEY:—Bounded on the west by part of the eastern boundary of the county of Dalhousie, namely, from the River Goulburn upwards from the confluence of Hughes' Creek to the confluence of Dabyminga Creek; thence by Dabyminga Creek upwards to its source in the Great Dividing Range; on the south by the Great Dividing Range to the main source of the River Goulburn; on the east by the Range dividing the waters of the main source of the River Goulburn and Big River from those of the Rubicon and Snodpoor Dock Creek; northward to Mount Torbrick; thence by Jerusalem Creek to its confluence with the River Goulburn: thence by the River Goulburn downwards to the confluence with the Devil's River; thence by the Devil's River and its north-west arm to the Dividing Range between the last-named arm and Septimus Creek; and on the north by that Range to the source of Hughes' Creek; thence by Hughes' Creek down to its confluence with the River Goulburn.

THE ELECTORAL DISTRICT OF MURRAY.

Bounded on the south and west by the counties of Evelyn and Anglesey, and the River Goulburn to its junction with the Murray; on the north and north-east by the River Murray; and on the south-east by the Dividing Range (Alps), excepting the country included in the Electoral District of the Ovens.

THE ELECTORAL DISTRICT OF LODDON.

(FORMERLY WESTERN PORT.)—Bounded on the south by the counties of Dalhousie, Talbot, and Ripon, from the Goulburn River to the source of the Avoca River; on the west by the Avoca River to Lake Bael Bael; and thence by a line due north to the River Murray; on the north and north-east by the River Murray and the Goulburn River; and on the east by the Goulburn River, excepting the country included in the Electoral Districts of Sandhurst, Castlemaine, and Avoca.

THE ELECTORAL DISTRICT OF WIMMERA.

Bounded on the east by the Avoca River to Lake Bael Bael, and thence by a line due north to the River Murray; on the north by the River Murray, to the South Australian frontier; on the West by the South Australian frontier; and on the south by the Counties of Follett, Dundas, and Ripon, excepting the country included in the Electoral District of the Avoca.

B.

BOUNDARIES OF THE NEW ELECTORAL DISTRICTS.

THE ELECTORAL DISTRICT OF CASTLEMAINE.

Including the Parishes of Castlemaine, Muckleford, Harcourt, Guildford, Fryers, Strangeways, Tarrengower, Maldon, Yandoit, Franklyn, Wombat, Walmer, and Sandon.

Number of Members to be returned for each Electoral District.

Commencing at a point on the River Loddon intersected by the southern boundary of the parish of Fryers; thence by the southern, eastern, and northern boundary lines of the said parish of Fryers to the parish of Castlemaine; thence by the eastern boundary line of the said parish of Castlemaine to the southern boundary line of the parish of Harcourt; thence by the southern, eastern, northern, and western boundary lines of the said parish of Harcourt to the parish of Walmer; thence by the northern and western boundary lines of the said parish of Walmer to the parish of Maldon; thence by the northern and western boundary lines of the said parish of Maldon to the parish of Tarrengower; thence by the northern, western, and southern boundary lines of the said parish of Tarrengower to the parish of Sandon; thence by the western and southern boundary lines of

Number of Members to be returned for each Electoral District.

the said parish of Sandon to the parish of Yandoit; thence by the western and southern boundary lines of the said parish of Yandoit to the parish of Franklyn; thence by the western and southern boundary lines of the said parish of Franklyn to the parish of Wombat; thence by the western, southern, eastern, and northern boundary lines of the said parish of Wombat to the aforesaid parish of Franklyn; thence by the eastern and northern boundary lines of the aforesaid parish of Franklyn to the aforesaid parish of Yandoit; thence by the eastern boundary line of the aforesaid parish of Yandoit to the parish of Guildford; thence by the southern boundary line of the said parish of Guildford to the parish of Fryers aforesaid; thence by the southern boundary line of that parish to the commencing point - - - - - - - Two.

The Electoral District of Sandhurst.

Including the Parishes of Sandhurst, Lockwood, Strathfieldsaye, Sedgwick, Mandurang, Huntley, Nerring, Marong, Ravenswood, and Heathcote.

Commencing at the north-western angle of the parish of Harcourt; thenceby the eastern boundary line of the parish of Ravenswood to the parish o Mandurang; thence by the southern boundary line of the said parish of Mandurang to the parish of Sedgwick; thence by the western, southern, and eastern boundary lines of the said parish of Sedgwick to the parish of Strathfieldsaye; thence by the eastern, northern, and western boundary lines of the said parish of Strathfieldsaye to the aforesaid parish of Mandurang; thence by the northern boundary line of the aforesaid parish of Mandurang to the parish of Sandhurst; thence by the eastern boundary line of the said parish of Sandhurst to the parish of Huntley; thence by the eastern, northern, and western boundary lines of the said parish of Huntley to the parish of Nerring; thence by the northern and western boundary lines of the said parish of Nerring to the parish of Marong; thence by the northern, western, and southern boundary lines of the said parish of Marong to the parish of Lockwood; thence by the western and southern boundary lines of the said parish of Lockwood to the parish of Ravenswood; thence by the western, southern, and eastern boundary lines of the said parish of Ravenswood to the north-western angle of the aforementioned parish of Harcourt, the commencing point, together with the parish of Heathcote, at McIvor Creek - - - - - Two.

The Electoral District of Ballaarat.

Including the Parishes of Ballaarat, Dowling Forest, Burrumbeet, Ascot, Glendaruel, Creswick, and Spring Hill.

Commencing at a point on the northern shores of Lake Burrumbeet, being the south-western angle of the parish of Burrumbeet; thence by the western and northern boundary lines of the parish of Burrumbeet to the parish of Glandaruel; thence by the western and northern boundary lines of the said parish of Glandaruel to the parish of Ascot; thence by the northern boundary line of the said parish of Ascot and the northern and eastern boundary lines of the parish of Spring Hill to the parish of Creswick; thence by the eastern and southern boundary lines of the said parish of Creswick, and the eastern, southern, and western boundary lines of the parish of Ballaarat, to the parish of Dowling Forest; thence by the southern and western boundary lines of the said parish of Dowling Forest to the aforesaid parish of Burrumbeet; and thence by the southern boundary line of the parish of Burrumbeet to the commencing point - - Two.

The Electoral District of Avoca.

Including the Parishes of Amherst, Carisbrook, Maryborough, Avoca, Tarnagulla, and Burrembeep.

Amherst:—Commencing at a point bearing north one mile and ten chains from the north-western angle of the Town Reserve of Amherst; thence east four miles; thence south four miles; thence west five miles; thence north four miles; and thence east one mile to the commencing point.

Carisbrook:—Commencing at a point distant one mile, bearing east from the north-east angle of portion 33, parish of Carisbrook; thence south six miles; thence west six miles; thence north six miles; and thence east six miles to the commencing point.

VICTORIA.

MARYBOROUGH:—Commencing at the north-western angle of the parish of Carisbrook; thence west six miles; thence south six miles; thence east six miles; and thence north six miles to the commencing point.

AVOCA:—Commencing at a point bearing south two miles from the south-eastern angle of the Town Reserve of Avoca; thence east three miles; thence north five miles; thence west seven miles; thence south five miles; and thence east four miles to the commencing point.

TARNAGULLA:—Commencing at a point bearing east one mile and ten chains from the north-eastern angle of the Cemetery Reserve, parish of Tarnagulla; thence south three miles; thence west six miles; thence north six miles; thence east six miles; and thence south three miles to the commencing point.

BURREMBEEP:—Commencing on the Hopkins River at a point about eighty-five chains below the junction of the Deenicul Creek, and bounded by lines bearing west ninety-five chains; north three hundred and twenty chains; east one hundred and seventy chains, to the Kangaroo or Chalamber Range; by that range south-easterly to the south-east angle of allotment 2 of section 5 of the surveyed lands in the parish of Burrembeep; thence by a line south one hundred and thirty-five chains; west eighty chains; south eighty chains; and west sixty-five chains to the River Hopkins, being the commencing point aforesaid. - - - - - One.

THE ELECTORAL DISTRICT OF THE OVENS.

Commencing at the junction of the Whorouly Creek with the River Ovens; thence by a line bearing north twenty miles; thence by a line bearing east to the Little River; thence southwards by the Little River to its source in the Dividing Range; thence by the Dividing Range and a line south to a point on the River Ovens nine miles above its junction with the River Buckland; thence by a line from the last-mentioned point to the source of the River Buckland; thence by the Dividing Range to the source of the River Buffalo; and thence by the Buffalo and Ovens rivers to the commencing point - - - - - - - One.

SCHEDULE C.

ELECTORAL DISTRICT.	POLLING PLACES.
Castlemaine - - -	Castlemaine, Maldon, and Hepburn.
Sandhurst - - -	Sandhurst and Heathcote.
Ballaarat - - -	Ballaarat and Creswick.
Avoca - - - -	Avoca, Tarrengower, Burrembeep, Carisbrook, and Amherst.
Ovens - - - -	Beechworth, Yachandanda, and The Buckland.

No. 3.

No. 3.

COPY of a DESPATCH from Governor Sir CHARLES HOTHAM, Bart., to the Right Hon. Lord JOHN RUSSELL.

(No. 117.)

Toorac, near Melbourne, Sept. 8, 1855.

(Received December 29, 1855.)

MY LORD,

I DO myself the honour to acknowledge the receipt of your Lordship's Despatch, No. 6,* of the 10th May, 1855, communicating your Lordship's views on portions of the Constitution proposed for this colony, and to which I had drawn your attention.

* Page 44.

A careful perusal of your Lordship's Despatch induces me to fear that I have led your Lordship to suppose that I think this community will (as a certain consequence of the new form of government) pursue a reckless course; and it is more especially from the second paragraph of your Lordship's Despatch that I have drawn this conclusion.

As prior to my arrival the Constitution had been transmitted to England, it became a matter of consideration with me, whether I should enter upon a subject in which practically I had no concern; but I found that a great difference of opinion on the question of patronage existed amongst the community, that the subject had been much debated in the Legislative Council, and that even the select committee to whom the bill was referred were far from unanimous in their judgment; but, besides this, the measure was discussed and passed by the Legislative Council at a period of great excitement, when men's minds were labouring under the feverishness arising from the recent gold discoveries, and therefore it seemed peculiarly the duty of a new governor, who might be supposed to be free from this influence and unbiassed in the matter, to lay his view before Her Majesty's Government.

I regret that my despatch should bear such a construction as to induce your Lordship to think that I anticipate the Assembly will pursue a reckless course, for I certainly never intended it to convey such an impression.

I was desirous that no opening should be left for an evil to creep in, which is acknowledged to have done infinite mischief in the United States of America, and I dwelt upon the consequences which might ensue from an administration being without check in so important a matter as a possibility against which precautions should be taken.

As under the present, so under the future form of government, I can assure your Lordship that my utmost endeavours will be, not to seek new powers, but to further the wishes of Her Majesty's Government in promoting the interests of the people over whom I preside; but to accomplish this a bond of respect and esteem must mutually unite us, and it is because I am anxious to maintain it that I have the honour now to address you.

During the sixteen months that I have administered this government, of which your Lordship does not underrate the difficulties, the good of the people alone has animated me. I have had a large amount of patronage at my disposal, but the public voice will support me in saying that it has been distributed with the utmost equity and fairness; and amongst the many accusations to which governments are liable, I am thankful to say an abuse of patronage has never been laid to my charge.

Your Lordship will, I trust, excuse me for referring to this matter, but as I have steadily adhered to the principles on which I undertook to conduct this government, I have felt myself at liberty to speak without reserve.

I have, &c.

The Right Hon. Lord John Russell, (Signed) CHARLES HOTHAM.
&c. &c. &c.

No. 4.

No. 4.

Copy of a DESPATCH from Governor Sir Charles Hotham, Bart., to the Right Hon. Sir William Molesworth, Bart., M.P.

(No. 151.) Toorac, near Melbourne, December 6, 1855.
(Received March 25, 1855.)
(Answered No. 32, April 1, 1856, page 48.)

Sir,

I do myself the honour to transmit the Proclamation which I issued on the 23d of November, coincident with the opening of the Legislative Council, announcing Her Majesty's assent to the "Bill, as amended, of the Legislature of Victoria, to establish a constitution in and for the Colony of Victoria."

It will be my duty to address you further on this matter. I shall only now take occasion to state that my proceedings have been entirely governed by the advice of the law officers of the Crown.

I have, &c.

(Signed) CHARLES HOTHAM.

The Right Hon. Sir W. Molesworth, Bart.
&c. &c. &c.

VICTORIA.

Encl. in No. 4.

Enclosure in No. 4.

CONSTITUTION ACT ASSENTED TO.

PROCLAMATION.

By His Excellency Sir Charles Hotham, Knight, Commander of the most Honourable Military Order of the Bath, Captain General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c.

WHEREAS a Bill passed by the Legislative Council of Victoria in the seventeenth year of the reign of Her present Majesty Queen Victoria, intituled, "An Act to establish a Constitution in and for the Colony of Victoria," was reserved for the signification of Her Majesty's pleasure thereon: And whereas by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the nineteenth year of the reign of Her present Majesty, intituled "An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria," it was amongst other things enacted, that the said Act should be proclaimed in Victoria by the Governor thereof within one month after a copy thereof should have been received by such Governor, and the said Act, and the said reserved Bill, amended by the omission of certain provisions thereof (such Bill being first assented to by Her Majesty in Council), should take effect in the said Colony from the day of such proclamation: And whereas the said reserved Bill, as amended, is set forth in the Schedule to the said Act, number 1: And whereas the Queen's most Excellent Majesty was pleased, on the twenty-first day of July last, to make the Order in Council appended hereto, declaring Her Majesty's assent to the said reserved Bill as amended as aforesaid: And whereas I, Sir Charles Hotham, Captain General and Governor-in-Chief of the said Colony of Victoria, did at ten of the clock post meridian, on the twenty-third day of October, in the present year, receive from Her Majesty's Principal Secretary of State for the Colonies, a copy of the said Act of Parliament, and the Order in Council appended hereto, declaring Her Majesty's assent to the said reserved Bill so amended as aforesaid. Now therefore I, Sir Charles Hotham, Captain General and Governor-in-Chief of the said Colony of Victoria, do by this my proclamation, proclaim the said Act of Parliament, and the said reserved Bill, so assented to as aforesaid, and do hereby notify and declare the said Act of Parliament, and the said Bill so assented to, to be proclaimed accordingly.

Given under my hand, and the seal of the Colony, at Melbourne, this twenty-third day of November, in the year of our Lord one thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's reign.

(L.S.) (Signed) CHAS. HOTHAM.

By his Excellency's Command,
WILLIAM C. HAINES.

GOD SAVE THE QUEEN!

At the Court at Osborne House, Isle of Wight, the 21st day of July, 1855.

PRESENT:

The Queen's Most Excellent Majesty,
His Royal Highness Prince Albert,

Lord Chancellor,	Lord Panmure,
Lord President,	Sir George Grey, Bart.,
Marquis of Lansdowne,	Mr. Vernon Smith,
Earl of Harrowby,	Sir Charles Wood, Bart.,
Viscount Palmerston,	Sir William Molesworth, Bart.
Viscount Canning,	

Whereas by an Act passed in the nineteenth year of Her Majesty's reign, intituled "An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria," it is amongst other things enacted, that it shall be lawful for Her Majesty in Council to assent to a Bill passed by the Legislative Council of Victoria, in the year 1854, intituled "An Act to establish a Constitution in and for the Colony of Victoria," and reserved by the Lieutenant-Governor of Victoria for the signification of Her Majesty's pleasure thereon, such Bill being amended y the omission of certain provisions thereof, as in the said Act specified.

Now, therefore, Her Majesty, in pursuance of the said Act of Parliament, and in the exercise of the power thereby reserved to Her Majesty as aforesaid, doth by this present order, by and with the advice of Her Majesty's Privy Council, declare Her assent to the said Bill so amended as aforesaid.

And the Right Honourable Sir William Molesworth, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) WM. L. BATHURST.

PROCLAMATION.

By his Excellency Sir Charles Hotham, Knight, Commander of the most Honourable Military Order of the Bath, Captain General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland passed in the nineteenth year of the reign of Her present Majesty, intituled "An Act to repeal the Acts of Parliament now in force respecting the disposal of the Waste Lands of the Crown in Her Majesty's Australian Colonies, and to make other provisions in lieu thereof," it was amongst other things enacted, that the repeal of certain Acts of Parliament therein mentioned, and the other provisions of the said Act, should take effect in the Colony of Victoria at the date of the proclamation in the said Colony of an Act of the said Parliament in the same session, intituled "An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria:" And whereas by a proclamation under the hand of the Governor, and the seal of the Colony, bearing even date herewith, the last-mentioned Act of Parliament has been duly proclaimed: Now therefore I, Sir Charles Hotham, Captain-General and Governor-in-Chief of the said Colony of Victoria, do by this proclamation notify and declare that I have received from Her Majesty's Principal Secretary of State for the Colonies the said first-mentioned Act of Parliament, and that I have caused the said recited Proclamation to be duly made, and I do publish and proclaim the same accordingly.

Given under my hand and seal the of the Colony, at Melbourne, this twenty-third day of November, in the year of our Lord one thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's reign.

(L.S.) (Signed) CHARLES HOTHAM.

By his Excellency's Command,
WILLIAM C. HAINES.

GOD SAVE THE QUEEN.

No. 5. No. 5.

COPY of a DESPATCH written by the late Governor Sir C. HOTHAM to the Right Hon. Sir WILLIAM MOLESWORTH, Bart., M.P.

(No. 156.) Toorac, near Melbourne, December 21, 1855.
(Received April 9, 1856.)
(Answered No. 41, May 6, 1856, page 48.)

SIR,

I HAVE the honour to acknowledge the receipt of your predecessor's Despatch, No. 36,* of the 20th day of July 1855, containing the "Act of "Parliament to enable Her Majesty to assent to a Bill as amended of the "Legislature of Victoria to establish a constitution in and for the Colony of "Victoria," together with the observations of Lord John Russell thereupon, and further informing me that I shall "shortly receive a fresh commission and "instructions amended in those particulars which the introduction of that "system renders it necessary to change." * Page 45.

A considerable doubt existed in my mind as to the time on which it was intended that the new constitution should commence; and, being unable to reconcile the fifth clause of "An Act to enable Her Majesty to assent to a Bill "as amended of the Legislative Council of Victoria," &c., with the fifty-ninth clause of the amended Act, I deemed it prudent to refer the matter to the law officers: their opinion will be found in No. 1 of the first Enclosure; and you will observe that I had no other course open to me than to proclaim the constitution "within one month after a copy had been received."

This was done on the 23rd ultimo, the Legislative Council having been on that day called together, and, in conformity with the Act 18th Vict. No. 34,* their number being increased by twelve Members from the mining districts. * Page 26.

A singular, and I apprehend, an unexpected state of things thus ensued, conformably to the proclaimed Act, a responsible government came into force under a form of constitution for which it was not intended; the Ministers hold their seats as nominee Members by commission from me; and they address a Legislative Council elected under a different franchise, and which does not represent the constituencies contemplated in the Constitutional Act.

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It required no great degree of discernment to discover that such an anomalous state of things would, sooner or later, produce difficulties, but the interpretation of an Act of Parliament surely belonged peculiarly to the province of the law officers; and, although I entertained and expressed an adverse opinion, nevertheless, I did not consider myself justified in acting upon it, more especially as the matter was one in which the colonists alone were interested.

It, proved, however, that the opinions of by far the greater portion of the representative side of the Legislative Council accorded with my own: a motion was made, directly impugning the conduct of the government, a warm debate ensued, and the Ministers were only saved from defeat by an insignificant majority.

Nos. 1 to 16.
Encl. No. 1.

The annexed correspondence will show that I had intrusted the charge of forming a new Ministry to Mr. Haines, and that he had recommended me to continue in their offices the gentlemen named in the margin.

Encl. No. 2.

William C. Haines, Esq., Chief Secretary.
William F. Stawel, Esq., Attor. General.
Charles Sladen, Esq., Treasurer.
Charles Pasley, Capt. R.E., Commissioner of Public Works.
Hugh L. E. Childers, Esq., Commissioner of Trade and Customs.
Andrew Clark, Capt. R.E., Sur.-General.
Robert Molesworth, Esq., Solicitor General.

On the 5th instant I received Her Majesty's new commission, reappointing me to the high office of Governor-in-Chief of this Colony, together with Her Majesty's Royal Instructions, and on the 10th of this month I took the prescribed oaths, which were administered to me by the Chief Justice of the Supreme Court, in the presence of the Executive Council, and many of the principal inhabitants, who had been invited to attend the ceremony. The responsible officers of the government then took the usual oaths, and were gazetted as Executive Councillors, according to the titles expressed in the margin.

Encl. No. 3.

Encl. No. 3.

On the 18th instant the strength of the Government was fairly tested by a motion made by Mr. William Nicholson, "That in the opinion of this house "any new Electoral Act should provide for electors recording their votes by "secret ballot," and after a debate of two nights, government were defeated by a majority of eight votes. As Mr. Haines had made this a ministerial question, he thought it his duty to tender the resignation of himself and his colleagues, which I accordingly accepted, and, following the usual practice in analogous cases in England, I have requested the leader of the adverse party to form a government.

I cannot conclude this despatch without expressing the satisfaction I experienced in being able to select Mr. Haines for the formation of the first ministry under the responsible form of government. Single-handed I never could have coped with the difficulties with which I found this colony surrounded, but I have had an able assistant, and above all, a gentleman by my side, who has the invaluable habit of looking at his object and marching straight to it.

I have, &c.

(*Without the late Sir Charles Hotham's Signature.*)

Encl. 1 in No. 5.

Enclosure 1 in No. 5.

(Sub-inclosures Nos. 1, 2, and 3 are not included in these Papers.)

No. 4.—MINUTE.

November 5, 1855.

THE Governor requests the officers of the Executive Council and Captain Clarke to meet together in the Colonial Secretary's room to-morrow (Tuesday the 6th instant), at 10 A.M., for the purpose of going through the estimates, after which the Governor will hold an Executive Council for the purpose of giving a final sanction to the estimates.

(Signed) C. H.

The Officers of the Executive Council.

No. 5.—MINUTE submitted to his Excellency the Governor by the Honourable the Colonial Secretary.

Tuesday, November 6, 1855.

THE officers summoned by his Excellency to consider the estimates this morning experience a difficulty at starting, which they respectfully submit for his Excellency's commands.

They are not informed whether they are requested to consider these estimates as responsible officers under the Constitutional Act, or as officers responsible to his Excellency for carrying out the policy which he may indicate.

As the responsibility of government to the country commences on the day upon which the Council is summoned, such estimates as may come before the Council will have

to be defended by a responsible Ministry, although they may not have been prepared by them in that capacity.

They beg respectfully to remark that they have not given consideration to the questions, first, whether any estimates wahtever should be laid before the Legislative Council, and, second, in what manner, if so laid before them, they should be dealt with.

No. 6.—His Excellency's Reply.

1. The responsibility of officers commences on the day of proclamation, and the Governor will not sanction any deviation from the present form of government or routine until then.

2. With regard to the estimates, if the officers desire to postpone framing the estimates until they are responsible, the Governor acquiesces in their wish. If they think it right to lay the estimates on the table of the Council when it meets, the Governor will consider such estimates as having been framed under the present form of Government, and which would require his sanction in Executive Council.

No. 7.—The Honourable the Colonial Secretary to his Excellency the Governor.

Dear Sir Charles, Colonial Secretary's Office, November 24, 1855.

I do not wish to trouble you to-day with any renewed discussion on the subject of the conversation which took place yesterday immediately before the opening of the House.

I trust some resolution may be arrived at on Monday, which may have the effect of relieving myself and my colleagues from the very embarrassing position in which we find ourselves placed.

I am, &c.
(Signed) William C. Haines.

No. 8.—His Excellency the Governor to the Honourable the Colonial Secretary.

My dear Sir, Toorac, November 24, 1855.

In any conversation on any matter of an official character, between yourself and the responsible officers, I request you will inform them, that my decision, if referred to, will be taken entirely on constitutional grounds, and without reference to *persons*, because I consider that the Governor of this Colony is now in a neutral position, and is bound in his official dealings to treat with the officer, and totally disregard and lose sight of the man.

Believe me, &c.
(Signed) Chas. Hotham.

No. 9.—The Honourable the Attorney General to his Excellency the Governor.

Dear Sir Charles, November 24, 1855.

I have just received a note from the Colonial Secretary, in which he requests me to place you in possesssion of my opinion as to the necessity which exists for the formal appointment by you of the responsible officers of government. The officers who would become responsible at present hold their appointments from Her Majesty, and, before the new constitution, were removable only from some act of misconduct. Under it the responsible officers are appointed by and hold their commission from the Governor, and are removable for political reasons, irrespective of any act of misconduct. Until new commissions have been issued under the constitution just proclaimed to these officers, it appears to me that they cannot be held to have been appointed under it. Politically irresponsible under the old Act, they continue to hold offices, the occupants of which are responsible not merely legally, but politically, and thus their position is most anomalous.

They may be removed by the Governor, otherwise they would never be got rid of, but it is more than questionable how far they are politically responsible to anybody.

In order to remove this anomaly, and determine their position, new commissions should in my opinion be issued to all officers who it is contemplated are to become politically responsible. Their position is thus determined, and their responsibility unquestionable. I write this in haste, as the messenger waits.

I have, &c.
(Signed) William F. Stawell.

No. 10.—The Honourable the Colonial Secretary to his Excellency the Governor.

Dear Sir Charles, South Yarra, Sunday Morning, November 25.

I forward to you without loss of time the opinion of the Attorney General on the point you desired me to refer to him yesterday evening.

I trust it may prove a full explanation of the difficulty in which we find ourselves placed. I regret very much that I did not succeed in placing the state of the case before you as plainly as I ought to have done.

Yours, &c.
(Signed) WILLIAM C. HAINES.

No. 11.—LETTER addressed by his Excellency the GOVERNOR, with the Advice of the Attorney-General, to the Officers of the Executive Government who become politically responsible by the Proclamation of the Constitution.

SIR, Toorac, November 26, 1855.

HER MAJESTY'S Royal Assent to the new Constitution having been proclaimed; and it being therefore necessary that a Ministry should be formed under it, and new commissions issued to the members, it becomes my duty to inform you that you will consider yourself released on political grounds from the office you at present hold.

According to the usual custom, you will continue to perform the duties of your office until your successor has been appointed.

I have, &c.
(Signed) CHAS. HOTHAM.

The Hon. the Colonial Secretary.
The Hon. the Attorney General.
The Hon. the Collector of Customs.
The Surveyor General.

Similar letters were addressed to the Hon. the Treasurer, William Lonsdale, Esq., and the Solicitor General, W. Croke, Esq., who were absent on leave in England.

No. 12.—LETTER addressed by his Excellency the GOVERNOR to W. C. HAINES, Esq.

SIR, Toorac, November 26, 1855

THE time having arrived when it becomes necessary to form a Ministry under the Constitution recently proclaimed, I have to request that you will accept the office of Colonial Secretary, and submit to me a list of persons who you may desire should fill the appointments which by the 37th clause of the before-mentioned Act are vested in the Governor alone.

I have, &c.
W. C. Haines, Esq., &c. &c. (Signed) CHAS. HOTHAM.

No. 13.

SIR, Colonial Secretary's Office, November 26, 1855.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date, in which you state that Her Majesty's Royal assent to the new Constitution having been proclaimed, and it being therefore necessary that a Ministry should be formed under it, it is your Excellency's duty to inform me that I must consider myself released, on political grounds, from the office I now hold.

In reply, I beg to state that I submit to your Excellency's pleasure, and that I shall continue to discharge the duties of Colonial Secretary until your Excellency has appointed my successor.

As under the provisions of the Constitutional Act I become entitled to a retiring allowance, on being released from the office of Colonial Secretary on political grounds, I have the honour to request that your Excellency will be pleased to authorize the payments to be made to me which are sanctioned by the Act.

I have, &c.
His Excellency Sir Chas. Hotham, K.C.B. (Signed) WILLIAM C. HAINES.
&c. &c. &c.

No. 14.

SIR, Attorney-General's Chambers, November 26, 1855.

I HAVE the honour to acknowledge the receipt of your letter of the 26th instant, releasing me, on political grounds, from the office I at present hold.

I shall hold myself in readiness to comply with your Excellency's instructions, and would respectfully request that the necessary instructions may be given respecting the retiring allowance to which, under the new Constitutional Act, I am entitled.

I have, &c.
His Excellency Sir Chas. Hotham, K.C.B., (Signed) WILLIAM F. STAWELL.
&c. &c. &c.

No. 15.

SIR, Custom House, Melbourne, November 26, 1855.

I HAVE had the honour of receiving your Excellency's letter of this date, releasing me, on political grounds, from the office which I at present hold, but desiring me to continue to perform its duties until the appointment of my successor.

I shall have much pleasure in complying with your Excellency's desire in the latter respect.

It appears necessary, under the 50th clause of the Constitutional Act, that I should at the time of my release from office make formal application for authority to draw from the Colonial Treasury the retiring allowance of 866*l.* 13*s.* 4*d.*, to which I am now entitled; and I have very respectfully to request that instructions may issue accordingly.

I have, &c.

His Excellency Sir Chas. Hotham, K.C.B., &c. &c. &c. (Signed) HUGH C. E. CHILDERS.

No. 16.

SIR, Surveyor-General's Office, Melbourne, November 26, 1855.

I HAVE the honour of acknowledging the receipt of your Excellency's letter of this day's date, in which it is intimated to me that agreeably to the provisions of the 18th and 19th Vict. cap. 55, it becomes necessary to release me, on political grounds, from my present office of Her Majesty's Surveyor-General of Victoria, and that in accordance with the usual custom, I am requested to continue to perform its duties till my successor is appointed.

In obedience to this intimation, I have to request that as in consequence of this release from the office Her Majesty was pleased to confer upon me, it will become my duty to rejoin the head-quarters of my regiment in Europe, your Excellency will be pleased to assign to me the pension to which under the provisions of the above-named Act I am now entitled.

I have, &c.

His Excellency the Governor-in-Chief. (Signed) ANDREW CLARKE, Captain R.E.

Enclosure 2 in No. 5. Encl. 2 in No. 5.

(*Queen's Arms.*)

VICTORIA GOVERNMENT GAZETTE EXTRAORDINARY. Published by Authority. Wednesday November 28, 1855.

Colonial Secretary's Office, Melbourne, November 28, 1855.

His Excellency the Governor has been pleased to appoint the under-mentioned gentlemen to the offices specified in connexion with their respective names, viz.:—

William Clark Haines, Esquire, Chief Secretary of the Colony of Victoria.

William Foster Stawell, Esquire, Attorney General of the said Colony.

Charles Sladen, Esquire, Treasurer of the said Colony, *vice* William Lonsdale, Esquire, released from office on political grounds.

Charles Pasley, Esquire, Commissioner of Public Works of the said Colony.

Hugh Culling Eardley Childers, Esquire, Commissioner of Trade and Customs of the said Colony.

Andrew Clarke, Esquire, Surveyor-General of the said Colony.

Robert Molesworth, Esquire, Solicitor General of the said Colony, *vice* James Croke, Esquire, released from office on political grounds.

By his Excellency's Command,

JOHN MOORE,
Assistant Colonial Secretary.

NON-ELECTIVE MEMBERS OF THE LEGISLATIVE COUNCIL.

PROCLAMATION.

By His Excellency Sir Charles Hotham, Knight, Commander of the most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS William Clark Haines, Esquire, Colonial Secretary of the Colony of Victoria; William Foster Stawell, Esquire, Attorney General of the said Colony; Andrew Clarke, Esquire, Surveyor General of the said Colony; and Hugh Culling Eardley Childers, Esquire, Collector of Customs of the said Colony; have been released from their respective offices on political grounds, and have thus vacated their seats in the Legislative

VICTORIA.

Council of the said Colony: And whereas Robert Molesworth, Esquire, the Acting Solicitor General, and Charles Pasley, Esquire, the Colonial Engineer, have resigned their respective seats in the said Legislative Council: Now therefore I, Sir Charles Hotham, Captain-General and Governor-in-Chief of the said Colony of Victoria, do hereby proclaim that in pursuance of an Act of Parliament passed in the thirteenth and fourteenth years of Her present Majesty's reign, intituled "*An Act for the better Government of Her Majesty's Australian Colonies,*" and of the power to me delegated by Her Majesty in this behalf, I have by Letters Patent under the Public Seal of the said Colony, bearing even date herewith, appointed :—

The Chief Secretary of the Colony of Victoria,
The Attorney General,
The Treasurer,
The Commissioner of Public Works,
The Commissioner of Trade and Customs,
The Surveyor General, and
The Solicitor General,

to be non-elective Members of the said Legislative Council.

Given under my hand, and the seal of the Colony, at Melbourne, this twenty-eighth day of November, in the year of our Lord one thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's reign.

(L.S.) (Signed) CHAS. HOTHAM,

By his Excellency's command,
(Signed) JOHN MOORE,
Assistant Colonial Secretary.

GOD SAVE THE QUEEN!

Encl. 3 in No. 5.

Enclosure 3 in No. 5.

(*Queen's Arms.*)

VICTORIA GOVERNMENT GAZETTE EXTRAORDINARY. Published by Authority. Monday, December 10, 1855.

PROCLAMATION

By his Excellency Sir Charles Hotham, Knight, Commander of the most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS Her Majesty has been graciously pleased, by Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the eighth day of September One thousand eight hundred and fifty-five, to re-constitute and re-appoint me, Sir Charles Hotham, Knight, Commander of the most Honourable Military Order of the Bath, to be Captain-General and Governor-in-Chief in and over the Colony called Victoria: Now I, the Captain-General and Governor-in-Chief aforesaid, do hereby proclaim and declare that I have this day taken the prescribed oaths before his Honour Sir William a'Beckett, Knight, the Chief Justice of the Supreme Court of the said Colony, and that I have reassumed the said office of Captain-General and Governor-in-Chief.

Given under my hand, and the seal of the Colony, at Melbourne, this tenth day of December, in the year of our Lord One thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's reign.

(L.S.) (Signed) CHAS. HOTHAM.

By his Excellency's command,
(Signed) WILLIAM C. HAINES.

GOD SAVE THE QUEEN.

EXECUTIVE COUNCIL.

PROCLAMATION.

By his Excellency Sir Charles Hotham, Knight, Commander of the most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS Her Majesty has been graciously pleased, by Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the eighth day of September, One thousand eight hundred and fifty-five,

amongst other things to declare that there should be an Executive Council for the Colony of Victoria, and that the said Council should consist of such persons as I, the said Sir Charles Hotham, should, by instruments to be passed under the public seal of the said Colony, in Her Majesty's name and on Her Majesty's behalf, from time to time nominate and appoint to be Members of the said Executive Council, all which persons should hold their places in the said Council during Her Majesty's pleasure: Now I, Sir Charles Hotham, Captain-General and Governor-in-Chief of the said Colony of Victoria, in pursuance of the authority delegated to me by Her Majesty in this behalf as aforesaid, do hereby proclaim and declare that I have, by instruments under the public seal of the said Colony bearing even date herewith, in Her Majesty's name and on Her Majesty's behalf, nominated and appointed the under-mentioned persons to be Members of the Executive Council of the said Colony, that is to say:—

Edward Macarthur, Colonel commanding the troops in Victoria.
William Clark Haines, Esquire, now holding the office of Colonial Secretary or Chief Secretary.
William Foster Stawell, Esquire, now holding the office of Attorney General.
Charles Sladen, Esquire, now holding the office of Colonial Treasurer, or Treasurer.
Charles Pasley, Captain in the Corps of Royal Engineers, now holding the office of Commissioner of Public Works.
Hugh Culling Eardley Childers, Esquire, now holding the office of Collector of Customs, or Commissioner of Trade and Customs.
Andrew Clarke, Captain in the Corps of Royal Engineers, now holding the office of Surveyor General.
Robert Molesworth, Esquire, now holding the office of Solicitor General.

Given under my hand, and the seal of the Colony, at Melbourne, this tenth day of December, in the year of our Lord One thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's reign.

(L.S.) (Signed) CHAS. HOTHAM.

By his Excellency's command,
(Signed) WILLIAM C. HAINES.

GOD SAVE THE QUEEN.

EXECUTIVE COUNCIL.

Executive Council Office, Melbourne, December 10, 1855.

Edward Macarthur, Colonel commanding the troops in Victoria;
William Clark Haines, Esquire, now holding the office of Colonial Secretary, or Chief Secretary;
William Foster Stawell, Esquire, now holding the office of Attorney General;
Charles Sladen, Esquire, now holding the office of Colonial Treasurer, or Treasurer;
Charles Pasley, Captain R.E., now holding the office of Commissioner of Public Works;
Hugh Culling Eardley Childers, Esquire, now holding the office of Collector of Customs, or Commissioner of Trade and Customs;
Andrew Clarke, Captain R.E., now holding the office of Surveyor General;
Robert Molesworth, Esquire, now holding the office of Solicitor General;
having been this day appointed Members of the Executive Council of the Colony of Victoria;—

Colonel Edward Macarthur,
William Clark Haines, Esquire,
William Foster Stawell, Esquire,
Charles Sladen, Esquire,
Hugh Culling Eardley Childers, Esquire, and
Captain Andrew Clarke, R.E.,

were sworn in as Members of the Executive Council of the Colony of Victoria, and took their seats accordingly.

(Signed) G. W. RUSDEN,
Clerk of the Council.

No. 6.

No. 6.

EXTRACT of a DESPATCH from Major-General MACARTHUR to the Right Hon. Sir WILLIAM MOLESWORTH, Bart., dated Melbourne, January 8, 1856, No. 2.

"As respects the political aspect of affairs, it appears to me, Sir, that I cannot "convey to your mind a clearer conception of it than by transmitting, for your "consideration, a Despatch* which the late Sir Charles Hotham had prepared,

* Preceding Despatch, No. 5, in Series. No. 156, 21st Dec. 1855, page 35.

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" but which it will be seen that his Excellency unhappily did not live to " complete.

" As I can attest the general accuracy of its statements, I am enabled with " greater confidence to point your attention to its details.

" The policy which in the above Despatch his Excellency had traced out " I deemed it my own best course to pursue on entering upon the duties of " this government.

" In accordance with it, I placed myself in frank communication with Mr. " Nicholson, an influential member of the Legislative Council, and an opulent " merchant in this city, in order that I might receive his assistance in the for- " mation of a new Cabinet.

" But having been advised by Mr. Nicholson that at present my best course " was to confer with Mr. Haines, who since his resignation has continued to " hold office until his successor should be named, I at once and without delay " gave this gentleman free powers to form an administration. At present it " appears doubtful whether he may or may not succeed; but should his efforts " not be crowned with success, I have reason to hope that gentlemen, who " possess the confidence of the Colony, will be found in one or other of " the political sections of the Legislative Assembly, capable of filling the " several departments of government. After an adjournment of some days the " Legislative Council will assemble this day for the despatch of business.

" It will be my endeavour to establish a sound constitutional government, " regulated by the interests and opinions of the representatives of the colonists " in Parliament.

" And it will also be my study not to identify myself with any one party, " but instead of this to make myself both a mediator and moderator between the " influential of all parties."

No. 7.

No. 7.

COPY of a DESPATCH from Major-General MACARTHUR to the Right Hon. Sir WILLIAM MOLESWORTH, Bart., M.P.

(No. 22.) Government Offices, Melbourne, January 25, 1856.
(Received April 28, 1856.)
(Answered No. 44, May 22, 1856, p. 49).

SIR,

I HAVE the honour to report that the under-mentioned gentlemen were appointed by my predecessor to be official non-elective members of the Legislative Council, they having been released from their previous offices on political grounds, viz.:—

William Clark Haines, Esq., Chief Secretary, in the room of William Clark Haines, Esq., Colonial Secretary.

William Foster Stawell, Esq., Attorney General, in the room of William Foster Stawell, Esq., Attorney General.

Charles Pasley, Esq., Commissioner of Public Works, in the room of Charles Pasley, Esq., Colonial Engineer.

Hugh Culling Eardley Childers, Esq., Commissioner of Trade and Customs, in the room of Hugh Culling Eardly Childers, Esq., Collector of Customs.

Andrew Clarke, Esq., Surveyor General, in the room of Andrew Clarke, Esq., Surveyor General.

Robert Molesworth, Esq., Solicitor General, in the room of Robert Molesworth, Esq., Acting Solicitor General.

And Charles Sladen, Esq., Treasurer, in the room of William Lonsdale, Esq., Colonial Treasurer, released from office on political grounds.

I have, &c.
(Signed) E. MACARTHUR,
Major-General.

The Right Hon.
Sir William Molesworth, Bart, M.P.,
&c. &c. &c.

No. 8.

Copy of a DESPATCH from Major-General Macarthur to the Right Hon. H. Labouchere, M.P.

(No. 36.) Toorac, near Melbourne, March 20, 1856.
(Received June 23, 1856.)
(Answered July 5, 1856, No. 55, p. 49).

Sir,

I do myself the honour of transmitting a copy of the Address with which I have this day closed the Session of the Legislative Council.

By the new Electoral Act which has just been passed by the Legislative Council, to provide for the election of members to serve in the Legislative Council and Legislative Assembly under the new Constitutional Act, it is provided, that a registration of voters shall take place, which cannot be completed before the latter part of next July, and, of course, the writs for the new elections will not be issued until the electoral roll is complete.

The election for the Legislative Council will precede that of the Assembly, and it is probable that the elections for both Houses will not terminate before the middle of September.

In such case, it will, probably, not be possible to call the new Parliament together before the month of October.

I have, &c.
(Signed) E. MACARTHUR,
Major-General.

The Right Hon. H. Labouchere, M.P.
&c. &c. &c.

Enclosure in No. 8.

Encl. in No. 8.

Mr. Speaker, and Gentlemen of the Legislative Council,

It gives me much pleasure to be able to relieve you from your Legislative duties.

You were called together to complete the measures necessary for electing the Members of the Legislative Houses under the Constitutional Act.

The Bills which you have presented to me, and to which I have given Her Majesty's assent, will, I hope, meet with as great success as the care and attention which they have received at your hands merit. On my part, no diligence shall be wanting to give them full and complete effect.

* * * * * *

I cannot dismiss you to your constituents without adverting to the lamented cause of my presence among you this day. The recent and sudden demise of the Governor, who addressed you on the opening of the session, has deprived the Colony of an indefatigable and earnest friend. He barely lived to see the commencement of that system of government to which both he and you had been long looking forward, and which no difference of opinion would have prevented him from carrying out without fear or favour. I trust that, under Divine Providence, the anticipations which have been formed of the success of the new Constitution will not be disappointed, and that the complete powers of self-government, now conceded to the people of Victoria, will be exercised with benefit both to themselves and the nation of which they form a part.

I now declare this Council prorogued until the 6th day of May next.

(Signed) Edward Macarthur,
Major-General.

March 20, 1856.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir CHARLES HOTHAM.

(No. 6.)

SIR, Downing Street, May 10, 1855.

I HAVE to acknowledge your "separate" Despatch* of 25th October last, bringing under my notice certain portions of the Constitution for the Colony of Victoria, contained in the Bill recently passed by the Legislative Council, and now under the consideration of Her Majesty's Government, which you consider as dangerous.

* *Vide* Papers, presented 20 April 1855, page 8.

2. If under what is called responsible government, when established, the Assembly should pursue the reckless course which you anticipate, no doubt the evils which you predict will ensue; but it is to be hoped that their proceedings will be moderate and just. And the influence of a Governor appointed by the Crown may do much towards moderating party heats.

3. I dissent from several of the remarks which you have made in reference to the 44th clause of the Bill now under consideration, which are founded on the assumption that the effect of that clause will be to cause the removal of all the public functionaries for the purpose of substituting others of a different political party, whenever a change takes place in the colonial ministry. I should concur with you in earnestly deprecating the introduction of such a system, which is in my opinion fraught with much inherent mischief, and which would probably cause most serious inconvenience in a community circumstanced as Victoria now is; but I find nothing in the clause which you have cited to justify the conclusion you have drawn from it, and, indeed, I derive from it a precisely opposite result. Not only is the first portion of the clause silent as to any provision for the removal of officers already engaged in the public service, but the subsequent proviso referring in direct terms to those officers "liable to retire from office on political grounds," leads by fair reasoning to the inference that the officers first spoken of were not deemed to be subject to that liability. The larger portion of those officers, though not in form, yet in practice hold their offices during good behaviour, and it is quite impossible to admit that anything in the Bill now before me affects their tenure of office. I should indeed regard it as a ground of grave apprehension for the future good government of Victoria, if I could believe that the framers of its Constitutional Bill had intended to introduce a system which at once impairs the efficiency of the public service, largely increases the burden of taxation, and unduly stimulates the ardour of political warfare by directly engaging in it the self-interest of a large portion of the community.

4. Another objection, indeed, may be made to the clause, namely, that if such be the sense of it, it is wholly unnecessary. In this country the Ministers of the Crown are responsible for all appointments made by the Crown, and the consequence has been that they have declined to be responsible unless their advice was taken in making the appointments. Our practical and unwritten constitution does not seem sufficient to colonists framing an organic law, and hence I imagine has arisen the clause to which you object. The omission does not seem indispensable.

5. The provision for the exclusion of contractors is, no doubt, borrowed from the parliamentary law of England; it may be repealed if found inconvenient in practice.

I have, &c.
(Signed) J. RUSSELL.

Governor Sir Charles Hotham,
&c. &c.

No. 2.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir CHARLES HOTHAM.

(No. 36.)

SIR, Downing Street, July 20, 1855.

I TRANSMIT to you the Act "to enable Her Majesty to assent to a Bill, as "amended, of the Legislature of Victoria, to establish a Constitution in and "for the Colony of Victoria," which has now received the Royal assent. 18 & 19 Victoria, Cap. 55.

2. Former communications from this Department will have made you acquainted with the causes of the delay which has occurred in passing this measure into law. The Bill of the Colonial Legislature did not reach this country until May last year, at too late a period in the Parliamentary Session of 1854 to enable Her Majesty's Government to introduce any measure to Parliament with that full consideration, and that careful comparison with the Bills of a like character passed by the other Colonial Legislatures of Australia, which the great importance of the subject required.

3. In the form which they have chosen for the legislative measure now passed into law, Her Majesty's Government have in substance followed the precedent of the Act passed, on a somewhat similar occasion, to meet the wishes of the Legislature of Canada, by altering the Civil List established by the Canada Union Act, namely, the 10 & 11 Vict. c. 71.

4. It was their opinion, and that of Parliament, that although the Legislature of Victoria had exceeded the powers conferred on it in passing their Bill, and although, therefore, parliamentary enactment was necessary, it was more expedient to preserve in form, as well as in substance, the measure which had been fully considered and finally enacted by that Legislature, than to supersede its provisions by direct parliamentary legislation.

5. In rigorous adherence to the same principle, no alteration has been made in any of those provisions which are simply of a local character. It has been the conviction of Parliament that the Legislature must itself be trusted for all the details of local representation and internal administration. Her Majesty's Government have every reason to hope that the measure before them will form a durable foundation for the social prosperity and good government of Victoria. But the responsibility for its introduction will rest, as it ought to do, with the Members of the Council by whom it was in all substantial points prepared and discussed.

6. But those portions of the provincial enactment which controlled and regulated the future power of the Crown as to the reservation and disallowance of Colonial Acts, and as to the instructions to be given to Governors respecting them, have been omitted by Parliament. These portions were plainly not of a local character, but regarded the connexion of the colony with the body of the empire. I will not now enter into the very important subject of discussion which the omitted clauses afford. It is sufficient for me on the present occasion to observe, that Her Majesty's advisers were of opinion that a change of such vital consequence ought not to be effected by partial legislation in the way proposed; and that, even if this were otherwise, the particular clauses in question were open to difficulties of an insuperable kind.

7. With respect to the instructions given to Governors, I am not sure that some amount of misapprehension does not prevail. It has been the uniform practice, not in Australia only, but throughout the colonial empire of Great Britain, for Her Majesty's Government to issue general directions to Governors as to the classes of Acts which should be reserved by them for the assent of the Crown, sometimes by the formal instruments accompanying their commissions, sometimes merely by despatch. But these instructions, however binding on the Governor's discretion, are not in the nature of legal conditions precedent, the non-observance of which in any way affects the validity of Colonial Acts. The clauses in question would, therefore, have removed no substantial legal impediment; while they would have fettered the Supreme Executive Authority in a manner wholly inconsistent with the preservation of the general interests and unity of the empire.

8. The only other portion omitted is clause 51 of the Colonial Act, which was beyond the functions of the Legislature, relating, as it did, to other colo-

nies besides Victoria; and might have become inconvenient, from possible conflict with other local enactments, if it had been ratified by Parliament.

9. The original provisions of the Act of Parliament are few and simple, and require no explanation, excepting only section 4.

10. By clause 68 of the Colonial Bill, the Legislature took power to alter from time to time all its provisions; but subject to a peculiar condition, in case such alteration affected the constitution of the Council or Assembly, or the Civil List Schedule. With the provisions of this clause, Parliament, in pursuance of the guiding principle already laid down, was not willing to interfere. But considerable doubt has been entertained, what would be the real operation of the clause, now that by the sanction of the Imperial Legislature it has been, in a legal sense, turned into part of an Act of Parliament; and in particular, whether the Legislature would or would not, have had under it the power to repeal the proviso as to majorities introduced by itself. Now, it was clear that, if the Colonial Bill had been of an ordinary kind, and requiring only the Crown's sanction, any such proviso might have been repealed by the same authority which enacted it, and in the same manner, viz., by a simple majority. It was thought, therefore, that the wishes of the Colonial Legislature would be most fairly met by the introduction of section 4.

11. With respect to the Schedule containing the Civil List, as it is popularly termed, although in effect only an enactment withholding certain portions of the regular expenditure of the colony from being voted in the annual estimates, Her Majesty's Government have the fullest reason to recognize the ample nature of the provisions therein made, and to admit that the Legislature have acted on a very liberal understanding of the mutual engagements which formed the basis of the present enactment.

12. It is, however, by no means their wish to enforce on the colony the observance of the present arrangement as final. They believe it to be of great importance to the political well-being of a community, that certain services of the higher class should be provided for by law, and not subject to annual vote. But they regard this as a subject of strictly local, however high, concern, and that they would not be justified in throwing other obstacles in the way of its reconsideration than what the local Legislature have themselves thought proper to raise.

13. The Legislature of Victoria has thought proper to protect the interest of existing holders, whether of salary or pension, by the general condition that all enactments touching the Civil List should be reserved for Her Majesty's pleasure. That general condition is liable to repeal; but should it be at any time repealed, you will continue to reserve for Her Majesty's pleasure any Bill which may affect those existing interests, to maintain which the faith of the Crown is pledged by the transactions which have resulted in the present measure.

14. With respect to all other Bills, I have no instructions to convey, subject only to the general rule, that Her Majesty's Government fully recognize in practice the expediency of leaving local questions to be dealt with by the local Legislature, although they are not prepared to admit the practicability of the scheme devised by the Legislature of Victoria for classifying such questions.

15. I have only farther to instruct you as to the introduction of responsible government; but it is so evident, from the general provisions of the Colonial Bill before me respecting executive appointments, some of which, however, I fear, may prove inconvenient in practice, that your advisers and the Legislature have had fully in view the exigencies of that system, that I am not aware that any special directions are required from myself. You will shortly receive a fresh commission and instructions amended in those particulars, which the introduction of that system renders it necessary to change. There need be no delay in your bringing the Act into operation, as these documents will arrive in time for the assembling of the new Legislature.

16. I need scarcely say that the question of introducing into the measures lately before Parliament, clauses to establish a federal union of the Australian Colonies for purposes of common interests has been very seriously weighed by Her Majesty's Government; but they have been led to the conclusion that the present is not a proper opportunity for such enactment, although they will give the fullest consideration to any propositions on the subject which may emanate in concurrence from the respective Legislatures.

17. I will now conclude with the expression of my earnest hope that this

grant of self-government, in more ample measure than has as yet been established in any colony of Great Britain, may fulfil in its results the anticipations of all friends of liberty and good government both within and without the colony of Victoria. That colony has been selected by Providence to pass through the most extraordinary social and economical crisis which has occurred in the history of the dependencies of this Empire, and to exhibit on the most gigantic scale the powers of development possessed by a new community. It has shown, at the same time, not only by ordinary manifestations of loyalty, but by the deep sympathy which it has practically evinced, in common with the other Australian Colonies, with the fortunes of the mother country in her present struggle, how strong, beyond mere political union, are the ties which attach the distant branches to the ancient stem of the Empire.

It remains for it to prove, as, under the blessing of the same Providence, it will prove, that the exercise of the fullest political rights will at once contribute to promote the continuance of that extraordinary internal progress, and the maintenance of that powerful feeling of British union and British consanguinity.

I have, &c.

Governor Sir Charles Hotham, &c. &c. (Signed) J. RUSSELL.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir CHARLES HOTHAM.

(No. 37.)

SIR, Downing Street, July 20, 1855.

I TRANSMIT to you, for your information, copy of the Despatch which I have addressed to the Governor of New South Wales, enclosing the Act for establishing the new Constitution of that Province.

No. 51, July 20, 1855. See page 15.

I have, &c.

Governor Sir Charles Hotham, &c. &c. (Signed) J. RUSSELL.

No. 4.

No. 4.

COPY of a DESPATCH from the Right Hon. Sir W. MOLESWORTH to Governor Sir CHARLES HOTHAM.

(No. 1.)

SIR, Downing Street, July 21, 1855.

WITH reference to my predecessor's Despatch, No. 36,* of 20th instant, transmitting to you the Act to enable Her Majesty to assent to a Bill as amended of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria, I now transmit the Order passed this day by Her Majesty in Council, declaring Her Majesty's assent to the said Bill.

* Page 45.

I have, &c.

Governor Sir Charles Hotham, &c. &c. (Signed) W. MOLESWORTH.

Enclosure in No. 4.

Encl. in No. 4.

At the Court at Osborne House, Isle of Wight, the 21st day of July 1855.

PRESENT,

The Queen's most Excellent Majesty in Council.

WHEREAS by an Act passed in the 19th year of Her Majesty's reign, intituled "An "Act to enable Her Majesty to assent to a Bill as amended of the Legislature of Victoria, "to establish a constitution in and for the Colony of Victoria," it is amongst other things enacted, that it shall be lawful for Her Majesty in Council to assent to a Bill passed by the Legislative Council of Victoria in the year 1854, intituled "An Act to establish a Con- "stitution in and for the Colony of Victoria," and reserved by the Lieutenant Governor of Victoria for the signification of Her Majesty's pleasure thereon, such Bill being amended by the omission of certain provisions thereof, as in the said Act specified:

VICTORIA.

Now, therefore, Her Majesty, in pursuance of the said Act of Parliament, and in the exercise of the power thereby reserved to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare Her assent to the said Bill so amended as aforesaid.

And the Right Hon. Sir William Molesworth, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

Governor Sir Charles Hotham, &c. &c. (Signed) WM. L. BATHURST.

No. 5.

No. 5.

COPY of a DESPATCH from the Right Hon. Sir W. MOLESWORTH, Bart., to Governor Sir CHARLES HOTHAM.

(No. 29.)

SIR, Downing Street, October 6, 1855.

* Page 24. I HAVE received your Despatch, No. 85,* of the 27th of June last, reporting a notice which had been given by Mr. O'Shanassy, one of the members of the Legislative Council, of his intention to bring forward, early in the then ensuing session, certain resolutions on the subject of responsible government.

In answer to your request to be furnished with the views of Her Majesty's Government on that subject, it is only necessary that I should refer you to the full instructions on that point which were conveyed to you by my predecessor's Despatch No. 36,* of the 20th July last, transmitting the new Constitutional Act.

* Page 45.

I have, &c.

Governor Sir Charles Hotham, &c. &c. (Signed) W. MOLESWORTH.

No. 6.

No. 6.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir CHARLES HOTHAM.

(No. 32.)

SIR, Downing Street, April 1, 1856.

* Page 33. I HAVE the honour to acknowledge the receipt of your Despatch No. 151,* of the 6th December last, forwarding copy of a Proclamation which you had issued, announcing the assent of the Queen to the Bill, as amended, of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria.

I have, &c.

Governor Sir Charles Hotham, &c. &c. (Signed) H. LABOUCHERE.

No. 7.

No. 7.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to the OFFICER administering the Government.

(No. 40.)

SIR, Downing Street, April 26, 1856.

* Page 41. I HAVE to acknowledge the receipt of your Despatch No. 2,* of the 8th January, containing a statement of the social, financial, and political aspect of affairs as exhibited in the Colony of Victoria at the period of the death of the late Governor Sir C. Hotham.

I have, &c.

(Signed) H. LABOUCHERE.

No. 8.

No. 8.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to the OFFICER administering the Government.

(No. 41.)

SIR, Downing Street, May 6, 1856.

* Page 35. I HAVE had under my consideration the Despatch numbered 156,* of the 21st of December last, and which accompanied yours of the 8th of January

following, No. 2.; that Despatch having, as you report, been prepared by the late Sir Charles Hotham before his death, but having failed to obtain his signature.

That Despatch reported the measures which the late Governor had taken on receiving the Act of the Imperial Parliament to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria.

In acknowledging the receipt of that Despatch, it is only necessary for me to remark, that the points to which it relates will probably long have ceased to possess any practical importance.

I have, &c.
(Signed) H. LABOUCHERE.

No. 9.

No. 9.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to the OFFICER administering the Government.

(No. 44.)

SIR, Downing Street, May 22, 1856.

I HAVE to acknowledge the receipt of your Despatches, numbers 21 and 22,* of the 25th January last, reporting the names of the several gentlemen who had been appointed by the late Sir C. Hotham to be official non-elective members of the Legislative Council.

* Page 42.

I have, &c.
(Signed) H. LABOUCHERE.

No. 10.

No. 10.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to the OFFICER administering the Government of Victoria.

(No. 55.)

SIR, Downing Street, July 5, 1856.

I HAVE received your Despatch No. 36,* of the 20th of March last, transmitting a copy of the address which you delivered at the closing of the session of the Legislative Council on that day.

* Page 43.

Adverting to the intimation which that Despatch conveys, as to the probable period of the opening of the new Parliament in Victoria, I have to acquaint you that Her Majesty has been pleased to select Sir Henry Barkly, who has for some time past filled with great distinction the office of Governor of Jamaica, to succeed to the government of Victoria. It is expected that Sir Henry Barkly will leave this country by the mail steamer at the beginning of October, and that he will arrive at Melbourne at the end of November.

I have, &c.
(Signed) H. LABOUCHERE.

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Despatches from the Governor of South Australia.

No. 1.

No. 1.

Copy of a DESPATCH from Governor Sir R. G. Macdonnell to the Right Hon. Lord John Russell.

(No. 19.) Government House, Adelaide, August 22, 1855.
(Received November 28, 1855.)
(Answered No. 23, December 20, 1855, page 109.)

My Lord,

1. It becomes my duty to state the steps already taken by me in reference to your Lordship's Despatch* of the 4th May, informing me of the decision arrived at by Her Majesty's Government as to the inexpediency of introducing any Bill into the Imperial Parliament this session to enable the Queen to assent either to the "Act to establish a Parliament in South "Australia," or that to grant a Civil List to Her Majesty.

* Page 108.

No. 3, 1853.

No. 7, 1853.

2. In that Despatch, your Lordship adverts to the probability that the council might wish "to reconsider that portion of the Bill which relates to the "constitution of the future Legislative Council," and points out that, if the Legislature "thinks proper to pass their new Constitutional Bill within the "limits assigned by the 13 & 14 Vict. cap. 59.," it might receive the Royal assent after being laid for thirty days before Parliament, but "with this view," that certain clauses limiting the Crown's power of disallowance should be omitted. Your Lordship also intimates the intention of Her Majesty's Government to repeal the Waste Lands Act "prospectively," as regards South Australia, "so as to take effect whenever the new Constitution shall be esta-"blished."

3. From the above it would result that, whilst Her Majesty's Government sent back the Bill, with a view more especially to the reconsideration of "one "portion" of it, they naturally anticipated the re-opening of the entire question, resulting either in a Bill within the limits allowed by the Imperial Act, or, if the Legislature here should not "think proper" to observe those limits, in a Bill requiring further Imperial legislation to enable Her Majesty's Government to assent to it. As your Lordship's Despatch thus contemplated two contingencies, resulting in two different constitutions, I infer that the prospective repeal of the "Waste Lands Act" will have immediate effect on the approval by the Crown of the "new Constitution," whether within or without the limits of the Imperial Act.

4. Intelligence of the intention of Her Majesty's Government to return the Constitution Bill passed in 1853 had reached this Colony on the 28th ultimo, the opening of the legislative session for 1855 being fixed for the 7th instant. I immediately prorogued the Legislature to the 21st instant, with a view to its subsequent dissolution, in case your Lordship's instructions, or any other sufficient reason, should render such course desirable.

5. The period at which intelligence reached me of the Constitution Bill being returned was unforunate, for whilst it was almost impossible to allow the then existing Council to deal with the general constitutional question in the face of a resolution unanimously passed by themselves last year, that "a reconsideration "of the Parliament Act should not be undertaken until after a fresh election," it was, nevertheless, very important that the current public business should not be interrupted. I also felt that a dissolution would probably not give the country an improved Legislature, and would, therefore, gladly have received from the country some expression of confidence in the then existing Council, so as to enable me to proceed with the current business as well as with the constitutional question.

6. On the occasion, therefore, of a dinner given at Government House on the 7th instant, being the day for which the Legislature had been originally summoned, I stated, in presence of the members of Council and principal officers of the Colony, my reasons for considering a dissolution as the most constitutional preliminary step if the electoral constituencies desired it, but that otherwise great advantage would result from the Legislature being enabled at once to pro-

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ceed with the pressing general business of the country. It very soon became apparent, especially after receipt on the 11th instant of your Lordship's Despatch, leaving that question to my decision, that the country was almost unanimous in calling for a dissolution. I therefore dissolved the Council on the 15th instant.

7. I enclose copies of my Address at Government House on the 7th instant, explaining my view of the constitutional necessity for a dissolution, and also copy of a reply to a letter received from Mr. G. Angas, a member of the Legislature, and one whose position and character entitled his suggestions to considerable weight. That reply gives my reasons for not summoning the Legislature to proceed with the ordinary business without entering on the more important question of a new Constitution. I enclose these documents merely for reference, in the event of the propriety of the time chosen for the dissolution being hereafter questioned, which is now improbable, as its necessity seems now admitted by all.

Enclosure No. 1, page 57.
Enclosure No. 2, page 59.

8. I may here remark that the whole question of the best Constitution for the future government of the Colony being now remitted to the country by Her Majesty's Government, each delay which has retarded its solution has but created a more democratic spirit, likely to bear its fruits in a constitution to which, notwithstanding the intelligence and orderly character of the South Australians as a people, many would consider it perilous to entrust the future destinies of this Province. I cannot conceal from myself that at any time during the year which has elapsed, and when the willingness of Her Majesty's Government to concede the privilege of framing their own Constitutions and the control of the Land Fund had become known, it would have been easy to have obtained the assent of the Legislature to a Bill amply Conservative as regards the constitution of a second Chamber, provided that conservative principle were not identified exclusively with nomineeism, which seems the most palpable, and therefore most obnoxious mode in which the power of the executive can be exerted.

9. I find also a second subject of regret in the rejection of the proposition submitted by me to Her Majesty's Government before my departure from England, to the effect that the Constitution Bill for this Province, then under consideration, should be amended by Imperial legislation in all points where it infringed unduly on the Royal Prerogative, and that the power reserved by that Bill to two-thirds of the Assembly at the expiration of nine years, to change the nominee Council created by the Bill to an elective Council, should be conferred at once on the Assembly. Since my arrival here I have consulted the officers of the crown, independent members of the Legislature, persons whose stake in the interests of the Province gave weight to their opinion, and others well acquainted with the state of public feelings. All agreed that the country would have been completely satisfied with the Bill returned in that shape. Had that been done, ample means and time would have been afforded for constituting the Upper Chamber in such a manner as to ensure its affording a sufficient check to hasty legislation, without being in antagonism to the declared and reasonable wishes of the country.

It was of course impossible that Her Majesty's Government, who were called on to act at once, could have known this feeling with sufficient certainty to enable them to adopt the course which I recommended, and your Lordship's Despatch, returning the Parliament Bill, arrived before the declaration of such feeling could have been embodied in any resolution of the Legislature.

10. I nevertheless entertained so strong a hope of that Bill being dealt with in England, and there passed into law, in accordance with the above principle, that its return has somewhat taken me by surprise. It immediately became necessary to consider the general feeling of the country, and from the best information I could obtain, I was led to conclude that the great majority were inclined to advocate a single Chamber in preference to two, if it could be constituted free from nomineeism. I also became sensible that if there were to be two Chambers, there was a very strong party in favour of not merely making both elective, but also of electing the two by a suffrage almost universal—the qualifications of elected and electors being the same for both chambers, so that the two would in reality constitute but one reflex of the passing opinion held by a mere numerical majority of a constituency essentially democratic.

11. I have little doubt that in a colony like this, where the subdivision of

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landed property prevails to great extent, giving to an unusual number a fixed interest in the soil, and where the general population is settled, and regards the country as the home of their adoption, in whose good government and general progress they must therefore feel a deep and lasting concern, a very democratic form of constitution might be adopted with greater safety than in almost any other of the British colonies. But the question is not what constitution can be adopted with comparative safety, but rather, looking to the magnitude of the interests involved, what constitution will ensure the greatest harmony with the wishes of the country, and yet be positively a safe form of government?

12. The changes most likely to be at once safe and beneficial are those which are the gradual result of the natural growth of the community itself. Your Lordship will not be surprised, therefore, if I feel doubtful of the advantages likely to follow a sudden change of the present constitution, from one Chamber, of which one third are nominees, and a fixed Executive, to two Chambers both elected by the same electors, and an Executive liable to constant dislocation on the introduction of responsible government according to the ordinary meaning of that term.

13. Responsible government, in its widest signification, would require very favourable circumstances to ensure its working satisfactorily. Few here seem to understand it as it is understood in England and Canada, or rather, I should say, the mechanical difficulties of bringing it into operation in this small community are so great that its advocates profess to seek its application here in a very modified form. I confess, however, that I do not understand how, if its principle of changing not merely measures but men, in accordance, with the wishes of the Legislature, be admitted, it can be applied only partially. According to my view, it means not merely that the measures introduced by the Executive shall be in accordance with the wishes of the majority of a representative Legislature, but that those measures shall be introduced only by such ministers as the majority of that Legislature may choose to support; and further, that whilst those ministers hold office, the Governor is to aid them by all legitimate means in his power, placing at their disposal for that purpose the whole patronage of the government.

14. I see nothing objectionable in this, if the community be sufficiently advanced for such a form of government, but I see almost insuperable difficulties of detail in working such a constitution here, if responsible government is to be so understood and so applied. There is no great party here to give the requisite weight to the position of its leader, nor do I believe that the country is quite prepared to see the Queen's representative, who is now the referee on all matters of executive detail, suddenly stripped of all influence and power, in a community too small to permit his maintaining that "dignified neutrality" which Lord Elgin justly described as his proper position between the great contending parties in Canada.

I would gladly see the Colony attaining, not by sudden wrench from old feelings and habits, but by the healthier process of its natural development, a position which might enable its representative worthily to uphold a ministry in office by such a tenure as that above described, without destroying almost all that has been hitherto useful or respected in the functions of the Queen's representative.

15. I therefore considered whether it was not possible to popularize the existing constitution without wholly destroying it, and to centre in one chamber the ablest representatives of all classes of the community. It appeared to me that the desire, almost universal, as represented to me, for a single Chamber in preference to two, might lead to the acceptance of a safer and more conservative constitution in that shape.

16. I also felt that, as the real wish of Her Majesty's Government was to assist the community in obtaining whatever Constitution they might prefer, if likely to work safely, it was for the Colony to decide whether by legislating within or without the limits of the Imperial Act they would incur the risk of a lesser or greater delay in obtaining their new Constitution.

13 & 14 Vict. c. 59.

17. Independent also of the great mechanical difficulties of working a double Chamber here, added to those caused by frequent changes in the heads of the most important departments entailed by "responsible government," there existed a very strong and surprisingly general feeling against giving compensation, whether by "bonus," "pension," or otherwise, to the government officers,

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whose tenure of office was about to be changed. As the Colony is wealthy, and those officers are men of considerable ability, who have honourably discharged their duty to the country, I confess that the illiberal spirit in which many seem prepared to deal with them, is to this moment an incomprehensible mystery to me. I am aware that Her Majesty's Government would find great difficulty in acceding to any Bill by which the fair claims of Her Majesty's public servants were repudiated: I therefore would gladly have seen for the present some form of government adopted which would not force on the public the question of compensation to public officers, at a moment when its solution was unlikely to be either equitable or creditable.

18. It soon became necessary, in fairness to the electoral constituencies, that the Executive should publish, previous to the elections, some outline of the Bill likely to be laid before the Legislature. The subject was anxiously considered by myself and the Executive Council, with a view to ensure the measures of government being always in unison with the general wishes of the country, dispensing at the same time with the complex machinery of a double Chamber, and the frequent changes of ministry which the contests for office might occasion—changes objectionable in a country where as yet the means do not exist of creating great parties, and to which therefore those necessities for personal changes, incidental to responsible government in its usual signification, would be rather an incumbrance than an advantage.

19. In executing this task we found reason to regret that the Imperial Act contemplated no means of increasing the numbers of the existing single Chamber, without increasing in the same proportion the number of nominee members It would appear as though the Act supposed there was no possibility of obtaining, as it were, the requisite conservative ballast to ensure sufficient stability to the institutions of the country, except in one way, viz., by means of nomineeism, which experience proves to be one of the most objectionable modes in which the power of the Executive can be exhibited. It impresses so notorious a brand on the supporters of government, that it renders the ablest and most disinterested public man much less useful to the country than he would be as an elective member. I will go so far as to say, that although a government, supported by nominee members, may succeed in carrying its measures, and although those very measures might be of such a nature as to ensure their being carried in an assembly wholly elective, the success of the government, whilst so constituted, leaves behind a soreness of feeling which tends to render the public dissatisfied with measures otherwise beneficial. 13 & 14 Vict. cap. 59

20. It does not appear to me, therefore, that nomineeism is by any means such a guarantee for good government, as to justify its being made an essential condition antecedent to obtaining the Royal assent; nor if any equally good conservative principle could be substituted for it, is there any reason to suppose that the slight additional trouble or delay occasioned by so legislating beyond the limits of the Imperial Act, would be allowed by Her Majesty's Government to overbalance any very decided manifestation of public feeling in favour of the simplicity of a single Chamber, so constituted as to warrant to the country the impossibility of the general character and policy of the government being opposed to the declared wishes of the community.

21. We therefore decided on issuing the enclosed Proclamation, stating my present intention to propose a single Chamber of forty members, wholly elective, with the exception of four government officers, absolutely essential for carrying on the details of government in the House. The tenure of office being unchanged, no Civil List would be necessary, save to secure the salaries of the Governor, Judges, and those four officers. Ample power is reserved by clause 6, for resolving the single Chamber into two, or making further alterations, when required, in the proposed Constitution. The Governor's salary was omitted accidentally from the list of salaries to be included in the Civil List. It was also unfortunate that the enclosed memoranda, explanatory of the proposed Bill, were not published along with the Proclamation, as the proposal would have then gone before the public at once in its true shape, not as any attempt on the part of the government to dictate to the public, but as a proposal to adopt the well-known public predilection in favour of a single Chamber, on conditions intended to guarantee the popular character of the government policy, without either the embarrassment of causing changes in the holders

Enclosure No. 3, 17th August 1855, page 60.

Enclosure No. 4, page 60.

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of office, or endangering the general security of the institutions of the country.

Enclosure No. 4, par. 4, page 61.

22. The conservative element intended to be introduced into the proposed single chamber, independent of the four government officers, is the election by a highly qualified constituency of one-third of the thirty-six elective members, thus ensuring in a single Chamber the representation of a class which might be excluded from both Chambers if the attempt succeed to carry a very democratic franchise for both.

23. It is perhaps premature to say how the country may decide, but I have myself little doubt the desire on the part of the electors generally for extending the franchise, instead of raising it, even for a particular purpose, is so great, combined with the anxiety felt by a superior class to throw open to competition the public offices, as to prevent a Constitution, which includes neither of those measures, from receiving such numerous or strong support as I consider desirable and necessary for the satisfactory working of whatever Constitution may be adopted, but more especially of one open to the objection of being without the limits marked by Imperial legislation.

24. With a view to illustrating the erroneous impressions which prevail here, or rather which are put forward as to the meaning of responsible government, and also with a view to placing your Lordship in possession of the arguments advanced by the ablest journal here, and one of the ablest in Australia, against my proposition, I enclose an article from the "*Register*" of the 21st instant, written expressly on the subject of my explanatory memoranda.

Enclosure No. 5, page 61.

25. In that article the writer actually treats the four officials as the only "conservative element" in the proposed Assembly, passing over the twelve members elected by a highly qualified constituency. 2nd. He supposes that the government could exist though the "annual supplies" were stopped, so long as the four official members received their salaries. 3rd. He treats responsible government as a mere question of whether Mr. A. or Mr. B. should hold a particular office, instead of its being a question as to whether there can be found here any head of a great party likely to be supported by the country in distributing its patronage, and administering its government. 4th. To this I might add another very general mistake, though not put forward in the enclosed paper, viz., that the control of the Land Fund is to depend on the Colony's legislating within the limits laid down in the Imperial Act. If such a sacrifice as losing the control over that fund were to ensue, I should be the last person to suggest any departure from the above limits. Yet if any decided advantage could be gained by passing those limits, I see no reason in your Lordship's Despatch for supposing Her Majesty's government would on that account oppose the wishes of the community.

26. In conclusion I have only to observe, that if the proposal of a single Chamber made by me be not strongly supported by the country, and I see no reason for anticipating such a result, it is the intention of myself and my Council to lay before the Legislature a Bill, resembling, as closely as the different circumstances of the two colonies permit, that which has already been approved by Her Majesty's Government for Tasmania. The efforts of the Executive will then be principally directed to ensuring a fair representation for the general interests of the Province, and for the opinions of the minority, without which there can be no true freedom. The question of the advantage of a single over a double chamber will thus have been virtually disposed of by the country, and will no longer embarrass the discussions.

27. Whatever may be the result, I feel confident that no constitution will give satisfaction, or work so effectually as one in whose favour the general sympathies of the people may be enlisted. I also feel assured that the experiment of responsible government in its widest sense can be safely tried in South Australia, as in any community of the same extent.

I have, &c.

(Signed) R. G. MACDONNELL,
Governor.

The Right Hon. Lord John Russell, M.P.,
&c. &c. &c.

Enclosure 1 in No. 1.

His Excellency, after thanking the company for the manner in which his health had been received, proceeded to remark that it might possibly be expected, if no reasons of general policy rendered such a course inexpedient, that, finding himself surrounded by the members of the Legislature, and the principal public officers of the Colony, he should avail himself of the opportunity to give some explanation on a matter which had naturally excited much general interest, viz., the probable necessity for a dissolution of the present Legislative Council. Actuated as he was by a desire to follow well-established constitutional usage, and influenced solely by a wish to do that which eventually might best promote the public weal, he was himself desirous to explain his views, especially as he was not aware of any grave necessity for maintaining the least official reserve in this particular case, either as to his own individual opinions, or the public measures which those opinions might lead him to adopt. On the contrary, he believed it useful to restore a question, somewhat misunderstood, to its natural and simple position. He regretted that, not being fully in possession of the views of Her Majesty's Government, he could not completely do so; but proceeding on the general supposition that the new Constitution Bill is about to be returned to the Colony, with a view to the country unequivocally declaring its wishes thereon, he thought no bad effects could follow from his explaining his own views as to the constitutional mode of eliciting that opinion—views which he hoped he understood nearly as well as some who had lately done him the honour of interpreting them for him. What he had to say on the subject was very simple, and amounted to this—that a great constitutional question would probably soon be submitted to the country; in fact, the most solemn and comprehensive question which could be submitted to any community—no less than the choice of the Constitution by which for many years to come the Colony might elect to be governed. The first thing which had struck him in reference to this question was that, although it had been a long time under discussion, it never as yet had been directly submitted to the electors of South Australia. At the last general election it had not been even mooted, and he found that only four members had been chosen to sit in the present Council since the first discussion of the new Parliament Bill, leaving fourteen constituencies whose selection of their members could have had no reference to that topic. Nevertheless, when that measure was originally proposed, the elective councillors had come more recently from their constituents, and might perhaps be then regarded, at least theoretically, as more accurate interpreters of their wishes than now, when at the end of five years the Council was approaching the legal period of its dissolution. His Excellency presumed it was unnecessary to remind those who heard him, and the majority of whom had been honoured with an important legislative trust, that when great changes were proposed in the constitution of a country possessing representative government, the constitutional course was to "go to the country," on such questions, and appeal to the sense of the community as expressed by the electoral constituencies. He did not believe any English minister would introduce a change of constitution half so comprehensive as that which had been discussed already in the Legislature without appealing to the country; and he confessed that it appeared to him that he should be unnecessarily undertaking a very grave responsibility if he were to inaugurate a new era of liberal and responsible government by withholding from the electors the most legitimate, if not the only opportunity they could have of directly declaring their opinions on the point. He thought that, in whatever manner the instructions to him from Her Majesty's Government might be worded, their intendment would probably be that within certain very extensive, but nevertheless well-defined limits, the Colony might choose a Constitution for itself. In that case the parties to decide such a question under the present Constitution were—first, the Executive through its representatives in the Legislature; and secondly, the more numerous body sitting in the same chamber, and chosen by the electors, who now amounted to about 8,000. Now, whilst the Executive could at all times give a clear expression of its own views on any question, however unexpected, it seemed to him scarcely a fair, and certainly a more circuitous and unsatisfactory mode for the Governor to take, of ascertaining the wishes of the electors, to ask any third parties to explain those wishes, instead of adopting the more natural and straightforward course of asking the electors themselves. He did not think that in these observations he was striking out any new idea. He merely accepted an old-established constitutional principle, and applied it to the existing state of things here. He did so in the very merest routine of his duty, and wholly irrespective of what his own individual opinions might be, and he would do the same if he thought no change whatever desirable in the present form of government. He would go so far as to say that even if he had any doubts, it was not as to the constitutional mode of testing the feelings of the electors in regard to a great proposed change in the form of government, but rather as to the necessity of any change at all. The advance of the Colony in the last few years in wealth, population, commerce, and generally in industrial resources, had been so very great that he could well imagine many persons hesitating to change a constitution under which so much good, with so little admixture of evil, had been achieved. If, however, he had doubts on that point, he had none as to the proper mode of carrying out a change of constitution—if a change were to be proposed. To effect such a change without appealing to the constituencies, might be a very just cause of much future dissatisfaction, and were the Executive, without very strong reasons for that course, to travel out of the ordinary

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constitutional path, he felt that he should be unnecessarily slighting the electoral bodies, who had not hitherto executed their trust unworthily. He also felt that he might thereby be establishing a precedent unfavourable to the future interests of the province. On the other hand, he could not but acknowledge that although principle and precedent clearly indicated an appeal to the electoral bodies as the most constitutional course, yet under present circumstances there were other reasons, based on expediency, of very great weight, and opposed to a dissolution at this juncture. He would pass over such reasons as the personal inconvenience and expense which the measure would entail, even on those of whose return to the next Council there could be little doubt. He thought such reasons should not be weighed in comparison with an argument founded on principle and constitutional usage; but he did feel that the general business of the country, and consequently the general public interests, would seriously suffer by adjourning for several months the consideration of the estimates and of many other questions on which the decision of the Legislature was most urgently and pressingly required. He could not but feel that great detriment to the public interests would be occasioned by the least postponement of public business possible to be avoided; and it was his deliberate conviction that so far as expediency was concerned, every argument was in favour of not dissolving, for he had no doubt that either great public inconvenience would ensue, or a most unfair amount of responsibility would devolve on himself, as he should have to sanction a large expenditure, and take many important steps during the abeyance of the Legislature, without the possibility of obtaining legislative sanction. He felt this inconvenience all the more, because he believed the existing Council did really possess the confidence of the public at large, and was also perfectly competent to deal with all questions connected with the proposed new Parliament Bill. Nevertheless, although he might think such was the case, he could not accept from any persons save the electors themselves an answer to the question whether they wished their present representatives to act for them or not. There were, however, two modes in which they might signify their wishes. They might do so at the hustings, in the event of a general election, by returning their present representatives; and under ordinary circumstances, he did not think he ought to rest satisfied with any expression of opinion by the electors short of that. Secondly, under the existing state of things, with the country threatened by two dissolutions rapidly following one on another, and with a certainty, by the delay, of inconvenience and embarrassment being caused to the public business to an amount fearful to contemplate, they might, either by memorials, or in some equally public and authentic manner, state whether they are content to allow their present representatives to deal with the questions of constitutional government soon to be submitted to the country. He thought he might also safely regard those electors, who manifested no feeling one way or the other, as being either indifferent on the subject or contented with their representatives. Those, however, who were not contented would have ample time to record their sentiments, as it was improbable that even the present Council could be convened for despatch of business within a month from the present date, and no doubt immediate and extensive publicity would be given to this declaration of the course which he himself meant to adopt, and to that which he expected the electors to follow. To sum up, therefore, the matter would stand thus (always supposing that any very comprehensive change in the existing Constitution was to be laid before the Legislature):—On the one hand, the fourteen electoral constituencies, who might be regarded as never having been represented during any part of the discussions on the Parliament Bill, might now call for a new election, and might signify such decision in the way he had suggested, in which case all who heard him would no doubt admit that it was most fortunate those electors had not been shut out from the most legitimate, if not the only, opportunity they could have of expressing their opinion; whilst, on the other hand, if those constituencies were to decide that the responsible duty of representing them should remain in the hands of those who had hitherto honourably discharged the trust confided to them, it must be esteemed equally fortunate that the public business had escaped the very serious inconvenience and detriment resulting from a general election, thus proved to be unnecessary and uncalled for. He had now gone through the subject, somewhat more fully, perhaps, than he had intended, or than in ordinary cases it was at all desirable should be done by a person in his position; but this was no ordinary occasion. It seemed to him essential that the country should clearly understand that, so far from there being any antagonism to its legitimate wishes on the part of the Executive, there is, on the contrary, a most anxious desire to deal fairly both by the electors and the pressing claims of the public business. At all events, he had felt it his duty to decide early on the course he should adopt. Having done so, he intended to abide by his decision, and had only to add that he himself, and he alone, was solely and entirely responsible for that course. He therefore most earnestly hoped that, whether he had selected the best line of conduct or not, those who differed from him would admit he had been animated by a desire to act in an intelligible and straightforward manner. He had considered that the electors only should decide on the absolute necessity for a general election. Accordingly, he was content to abide by their decision; and it was still possible for them, and he hoped they might find it desirable, to reconcile public expediency with the assertion of a great constitutional principle—one which he was sure all who heard him must be anxious to uphold.

His Excellency's speech was throughout listened to with the most profound attention.

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Encl. 2 in No. 1.

Enclosure 2 in No. 1.

MY DEAR SIR, Government House, August 14, 1855.

I AM much obliged to you for the interest you exhibit in your note of the 13th instant as to the views of the government concerning a dissolution.

I perceive that, like some others whose opinion I respect highly, you do not recommend a dissolution until after discussion in Council of the estimates for 1856, and the full reconsideration by the present members of the Parliament Bill.

You suggest that when those members shall have fully discussed the provisions of a new Bill, and have gone through the routine work of the session, the Council ought then to be dissolved, and the onus of passing or rejecting such new Bill be thrown on the *new* council.

You must pardon my observing that such a course appears to me very objectionable.

First. I have too great a respect for the present Council, which has laboured long and arduously in the discharge of public duties of great importance, to place its members in a position so derogatory and so unworthy of the Legislature of South Australia as that which you suggest. I could not think of inviting them to undertake all the legislation necessary for the convenience of the government, or required by the urgency of public business, and at the same time warn them that they could not be entrusted with the more solemn and important duty of framing a Constitution. Those members, no doubt, possess sufficient spirit to resent so palpable an affront to their position; and I am certain that I, at least, am animated by sufficient respect for the Legislature of the Colony to prevent my adopting a course calculated to lower in public estimation those whose proper position I shall always be the foremost to uphold.

Whilst deprecating the propriety of such a course, I also differ from you in thinking that there is any precedent for it. When did an English minister ever call an English Parliament together for the purpose of discussing a Bill which he warned them at the same time they were disqualified from enacting?

Secondly. Looking at the question from a lower point of view, I do not consider that the course you propose would prove eventually the most advantageous even for the mere despatch of public business. It has always taken more than three months to get through the estimates; and, supposing the Council, which is now prorogued to the 28th instant, to meet then in a temper sufficiently complaisant to engage in such limited business with even ordinary alacrity, the beginning of September would, nevertheless, have arrived before the estimates had been completed, and a general election be thus forced upon the province at a period of the year when the time of both members and constituents is in general urgently required for their agricultural and commercial pursuits, which, I hope, will be rendered more than usually pressing by the expected plenty of the coming harvest.

I cannot, therefore, agree with you in thinking that "such a mode of procedure would be most convenient for the electors and least interfere with their occupations." I hold quite a contrary opinion.

Thirdly. As the country may, probably, prefer a Parliament Bill capable of coming speedily into operation, the executive would, I think, act injudiciously in adopting a course calculated to prevent any Bill—even one entirely within the limits traced by Imperial legislation—from receiving the Royal assent in 1856.

It must be remembered that a Council dissolved early next December could not, with certainty, be re-assembled till the beginning of February 1856; nor could a new Parliament Bill, in that case, be passed by the Legislature before the beginning of April next year—if even then—thus rendering it almost certain that such Bill could not reach England in time to be thirty days on the table of the House of Commons next Session—a necessary preliminary before receiving the Royal assent.

The adoption, therefore, of your plan would seem tantamount to a decision by the Executive that the colony should not receive back its new Bill next year. I think, in adopting such a course, the Executive would, therefore, overstep its legitimate province.

With reference to your observation as to the serious responsibility of incurring expenditure without legislative sanction, I consider the present an occasion on which the Governor ought not to shrink from responsibility, when carrying out a really important principle. If I think I ought to go to the country on the question of the new Parliament Bill, I am quite prepared to waive minor considerations. In doing so, however, I need take little credit for any special courage, for I believe the people of this colony quite able to comprehend that I incur this increased responsibility through a desire to arrive, in a constitutional manner, at the earliest possible expression of their sentiments on the gravest of all questions, and I also believe them quite able to appreciate the motives which have actuated me throughout.

Holding such views, and believing, since the receipt of Lord John Russell's despatch of the 3rd May, that a dissolution has become inevitable, previous to any further discussion of a new Parliament Bill, you will not be surprised to learn that I am about to give orders for issuing a proclamation dissolving the present Council.

I was desirous at first to attain two objects, viz., to elicit a free expression of the wishes of the country, and at the same time prevent all interruption of the ordinary public business. Had Lord John Russell's despatch been received six weeks earlier or later, these two objects might have been attained. At present I believe them incompatible.

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I endeavour, therefore, to secure that object, which, of the two, is the more important, and feel that every day during which a dissolution is deferred must now be regarded as a day added by myself to the already too great interval which must elapse before public legislative business can be resumed.

I am only sorry that I have allowed yesterday to elapse without dissolving, and I believe had the despatch in question reached me in the forenoon of Saturday, instead of in the afternoon, the dissolution would have taken place that day. I now regret that Monday, and perhaps this day, must be lost, but I shall take care not to lose more than two days.

You perceive that by thus fully entering into my reasons for considering the course preferred by you to be inexpedient, if not wholly impracticable, I do justice to the sincerity and frankness with which you have expressed to me opinions held, not only by yourself, but by others, opinions which I trust this letter will show to be untenable.

I have, &c.

George Fife Angas, Esq. &c. (Signed) R. G. MACDONNELL.

Encl. 3 in No. 1.

Enclosure 3 in No. 1.

GOVERNMENT NOTICE.

Government House, August 17, 1855.

HIS Excellency the Governor-in-Chief being anxious to give the electoral constituencies the earliest information in his power as to the general outline of the new Constitution Bill, which he may feel it his duty to propose for consideration of the next Legislative Council, desires it to be notified that it is his present intention to propose a measure in which the following general principles will be involved :—

1. A single Chamber or Assembly, consisting of forty members, viz., thirty-six elective members and four heads of the principal departments, viz., Colonial Secretary, Advocate-General, and two other officers to be hereafter determined.

2. Duration of Assembly to be the same as that of the Legislative Council under the present Constitution.

3. No special qualification of members of said Assembly, nor any disqualification except for crime.

4. Tenure of office by government officers having seats in the Assembly to be the same as at present.

5. No Civil List, except to secure the salaries of the Judges and the four government officers holding seats in the Assembly.

6. Ample power to be reserved to the future Legislature to alter the details of such Bill, or effect any other change in the proposed Constitution, and resolve the single Chamber into two.

His Excellency further desires it to be notified, that any Bill, such as the above, involving the principle of a single Chamber, without a proportion of one-third nominee to two-thirds elective members, will require an Imperial Act to enable the Royal assent to be given to it; nevertheless, his Excellency hopes the Legislature may meet for business on the 9th of next October, and in the course of six weeks, after that date, may determine on the form of Constitution best suited to the country. If, therefore, the Bill to be proposed by his Excellency be adopted before the end of next November, it might be ratified by Imperial legislation, and returned to this country in the course of the ensuing session of the English Parliament.

By his Excellency's command,
(Signed) B. T. FINNISS, Colonial Secretary.

Encl. 4 in No. 1.

Enclosure 4 in No. 1.

"THE principal reasons which induce the Governor to propose a Legislature consisting of a single Chamber, constructed so as to prevent the adoption of measures unacceptable to the popular majority, without, at the same time, necessitating personal changes in the tenure of office by the heads of the principal departments, are,—

"1. Because he thinks in so small a community personal changes in the holders of office, added to political conflicts and intrigues for office, are calculated to supersede devotion to the general interests, and are evils of such a magnitude that he would make sacrifices to adjourn their inevitable advent till the increased number of efficient leaders likely to enter into such contests might give a fairer warranty that the principal departments of the Government would not fall as prizes to mere traders in politics. In the eagerness so natural to all growing communities to move forward and assume the position and constitution fitted for a more matured growth, the Governor considers that the extent of the mischief here alluded to has not been duly considered.

"2. He also regards the simplicity and comparatively inexpensive working of a single chamber as giving it, in a young colony, great practical superiority over the double chamber; and he believes this to be the case to an extent which very few in this colony

seem aware of, and which will yet surprise most persons if the double machinery comes to be put in action.

"3. He would, therefore, have wished to establish a system whereby, whilst it would be impossible that the general course of policy pursued by government should be antagonistic to the wishes of the majority, yet the risk of politics being pursued as a game for the sake of its prizes might, nevertheless, be deferred till the Colony had attained greater maturity.

"4. The most likely mode whereby to accomplish that object with least disturbance of existing principles appeared to him to be the preservation of the present constitution, popularized by an almost complete extinction of the nominee element, for which might be substituted a selection of a third of the elective members by electors possessing a high qualification; thus consolidating in the one Chamber the proposed advantages of the two.

"5. If, however, as is probable, no alteration of the constitution will satisfy the country, save one entailing a change of heads of departments, as implied by the ordinary meaning of responsible government, the Governor has no mission whatever to withhold such change, the very meaning of a reference back to the Colony of the new Parliament Bill clearly intending that the community is to select its own constitution within reasonable limits, from which responsible government in that sense cannot be considered excluded. A second Chamber—in the absence of the nominee principle, added to a change in the tenure of government office—would then be necessary to give stability to the institutions of the country.

"6. The Governor's duty, therefore, if the prevalence of a general wish for responsible government in its more usual meaning be indicated, will be to regard as an instruction to him—where a second Chamber is to be organized—the form of constitution for Tasmania, enclosed in Lord John Russell's Despatch of the 3rd May, and to propose to the Legislature here a constitution similar in its general outline, but with its details better adapted to the very different state of society existing here. Having done so, it will be his duty to leave the question to be dealt with by the Legislature, and to abstain from all further interference so long as the Legislature constitutes the second Chamber in such a manner as to command the respect and confidence of the community.

"7. In that case, the Governor's present proposal to popularize and extend the machinery of the existing constitution will express merely his own individual opinion of the unripeness of this young colony for that division of the community into parties, and those keen rivalries and contests for office which responsible government will probably entail. No one hopes more earnestly than the Governor himself that his view of those evils may prove exaggerated, if they cannot be expected to be entirely without foundation.

"18th August 1855."

Enclosure 5 in No. 1.

Encl. 5 in No. 1.

EXTRACT from THE SOUTH AUSTRALIAN REGISTER, Tuesday, August 21, 1855.

THE GOVERNOR'S MEMORANDA.

WE presume that, as all our readers must be just now interested in political matters, they have perused with the attention they deserve the memoranda by his Excellency, published in yesterday's "Register." Probably, too, they will agree with us that, after allowing to the representations there made all the weight to which they are entitled, they yet fall very far short of overbalancing those much more weighty arguments which lie in the other scale. That this question may be thoroughly sifted, let us reconsider for a moment how the argument stands. The objections urged by his Excellency to responsible government and two chambers virtually resolve themselves into two, viz:—

1. "That a single Chamber would be the simplest and the cheapest." Admitted. But it would not be the safest. There is no proper balance or check in the Constitution—no effective conservative element. The two conflicting political elements are not the conservative and democratic tendencies which every settled community naturally develops, but simply popular impulsiveness and official obstructiveness, and the two so pitted against one another as not only to provoke perpetual warfare, but to leave victory always on one side. The Government, however bullied and badgered, need never give way. The officials, comfortably secured in the possession of their salaries, snugly intrenched behind the provisions of the Civil List Bill, are inexpugnable. The opposition may lash itself into fury by its attacks on the official garrison, but all to no purpose. Only by revolutionary measures can the position be stormed; there is no constitutional process by which the barrier can be overpassed. If the Council in a fit of passion should refuse to pass the estimates, it would be very like "cutting off one's nose to be revenged on one's face." The country would suffer greatly from the confusion caused thereby; but the officials could draw their salaries in peace, and laugh at the Council for its folly. We should then have the spectacle of a Government unable to carry its own measures, and unwilling to assent to the measures of the opposition. We put it to every reasonable man whether such a Constitution would not be productive of the most serious evils. We are convinced that there is no safe medium between the present Constitution and responsible government. It would be madness to reduce the official strength without making the officials displace-

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able. What the country wants is a strong government, acting in harmony with the wishes of the people. The Governor's Constitution would as likely as not give us a weak government, unacceptable to the people, and yet a government which, though hated and despised, could not be removed. In face of such evils as these the mere "expense and complexity" of two Chambers are not worthy to be considered. The expense and complexity, moreover, are certainly greatly overrated by his Excellency. Two Chambers exist at the Cape of Good Hope, and also in the much smaller colony of New Zealand. They have been also recently granted in Jamaica. What is practicable in those colonies is surely not impracticable in South Australia, the inhabitants of which have never shown themselves behind their contemporaries in their fitness to possess political liberty.

2. "Responsible government would lead to a scramble for office, and in the dearth of fit men the great places would be filled by political adventurers." We doubt it. Responsible government is wanted, not for the purpose of turning out the present officials, but in order to secure that whoever holds office shall act in harmony with public opinion. The present officials, if they like to work out the popular will, may hold office for years. Their knowledge of routine gives them an advantage over all other aspirants, and they would not be displaced without good cause. The country does not desire a change in the officials simply for the sake of change, but a change in the tenure of office, for the very precise and desirable purpose of securing government on popular principles. And if the present holders of office should altogether prove themselves obnoxious politically, and arouse such an opposition as should lead to their expulsion from office, we cannot admit that it would be impossible to supply their places. If they were all to happen to die to-morrow, or (to adopt a more pleasant hypothesis) if they should drop into large fortunes and resign the cares of office for the *otium cum dignitate* of private life; does his Excellency mean to say that he could not supply their places—that he would have to send to England or the neighbouring colonies to find men fit to succeed them? And if his Excellency could fill the offices, perhaps the people could also. We cheerfully admit the patient industry and business talents of Mr. Finniss, but we cannot allow that he possesses a monopoly of those very desirable qualities, and that no one in the colony but himself could be Colonial Secretary. We as cheerfully admit the great ability of the Advocate-General, and should be sorry to see him resign his post; yet, if he were to fall foul of public opinion, we think it just possible that amongst the legal profession some one could be found also capable of performing the duties of his office. So, again, with respect to Messrs. Torrens and Dashwood. Are there really no men in the colony capable of as much official toil as these gentlemen, and as well acquainted with the official aspects of finance and commerce? We cannot agree with his Excellency that any terrible results will follow from altering the tenure of office. The colonists have their interests too dependent on good government to trust them in the hands of incompetent servants, nor would they dismiss really efficient officers without satisfactory reasons. At any rate, it is too late now to recal the permission given to the colonists to adopt responsible government, or to begin convincing them that they are not yet sufficiently advanced for its adoption. That should have been done before if it was meant to be done at all. The permission having been given, it is best to leave the colonists free to make their own use of it. Our readers may remember that Sir Henry Young in one of his despatches gave as a reason for his insisting on a nominated Senate, that one elective Chamber contained as large an infusion of the elective element "as the circumstances of the colony could conveniently manage." And that being his Excellency's private opinion, and he, unfortunately, having the power to force that opinion on the Legislature, the Bill was framed accordingly, the consequence of which is that it has come back rejected. Well, now we have to begin again; and here is Sir Richard Macdonnell, who has only been a few weeks in the colony, propounding *his* constitution, based on *his* private opinion, that the colony cannot "conveniently manage" responsible government. Really, we think that it would be better if their Excellencies would keep their private opinions to themselves, and just leave the colonists free for once to choose a Constitution after their own notions.

With respect to the second Constitution proposed by his Excellency, and which is described in clause 4 of the "Memoranda," we need only say, that in the first place it is open to the decisive objection of being beyond the Act of 1850; and, secondly, that it is not only a novel, but rather an unworkable scheme, and, so far from "consolidating" the advantages of a double Chamber, would, to a great extent, miss the advantages of both. It would destroy the complete expression of either the conservative or the democratic feeling, while it would confer on the former, not the power of furnishing an effective check on one-sided or hasty legislation, but simply the odium of offering a useless opposition.

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No. 2.

No. 2.

Copy of a DESPATCH from Governor Sir R. G. Macdonnell to the Right Hon. Sir W. Molesworth, Bart.

(No. 39.)

Government House, Adelaide, November 21, 1855.

(Received March 5, 1856.)

Sir,

I have the honour to enclose triplicate copies of my Address to the Legislature of this province on occasion of the opening of the first session of the second Legislative Council. Appended thereto are copies of the reply of the Legislature to that Address, and I may remark that the tone of that reply has afforded me much satisfaction.

The topics embraced in my Address are so numerous and important, that I shall not attempt to refer to more than one of the subjects there adverted to, viz., the new Constitution Bills. The portion of my Address connected with those Bills in some measure explains their nature; but I now allude to them for the purpose of stating, that however important the discussions on them may be, I shall, with a view to avoiding useless repetition, reserve all further official explanation of the policy of the government in connexion with those Bills till they shall have been finally disposed of by the Legislature.

I believe that I shall thus be enabled to place the subject more fairly before Her Majesty's Government.

I have, &c.

The Right Hon. Sir W. Molesworth, &c. &c. &c.

(Signed) R. G. MACDONNELL, Governor.

Enclosure in No. 2.

Encl. in No. 2.

Extract of the Address of Governor-in-Chief Sir R. G. Macdonnell, C.B., to the Legislative Council, on the opening of its First Session.

* * * * *

I pass, however, from those topics to that which naturally engrosses most public interest at the present moment, viz.—the nature of the constitution about to be proposed for your adoption.

I still retain the preference which, you are aware, I have already avowed for the simplicity of a single Chamber, in the present youthful stage of the Colony's progress. Having, however, submitted the question fairly to the electors of the Colony, I have no reason to imagine that such proposition, though till recently supposed to be almost universally popular, would now count many supporters; and, whatever inconveniences may be felt by a small community from the complex machinery of a double chamber, added to responsible government in its fullest sense, I yet believe it better and wiser to adopt those inconveniences, if supported by public sympathy and opinion, than to endeavour to establish an apparently simpler and better form of government, opposed to the feelings of the community. In such a case, the government, theoretically less perfect, would accomplish, with the aid of popular sympathies, far more beneficial results.

I regret, however, that it should have been very generally supposed there existed any decided objection on the part of Her Majesty's Government to this Colony's obtaining a control over the waste lands of the crown with a Legislature composed of a single Chamber, provided the necessary stability could have been ensured to that form of Government, without invoking the aid of the nominee principle. I am not aware that any objection could have been raised to the plan, beyond the necessity of obtaining the sanction of an Imperial Act. That necessity might have occasioned some partial delay, or possibly some inconvenience to Her Majesty's Government; but I have yet to learn the sufficiency of such reasons for putting aside a plan otherwise feasible, if supported by the general voice of the community.

Its not having been so supported is the best reason for abandoning it. The plan now substituted for it retains, however, as much of the simple character of the former as possible. That plan will, of course, be so fully considered and discussed by you hereafter, as to render many remarks from me unnecessary, though some of the leading features of the measure justify special notice from myself.

The total number of members of the two Chambers remains the same as in the former Parliament Bill, viz.—forty eight. I believe it highly inexpedient to lessen the chance thereby given to the general interests of the Colony being fairly represented, by diminishing the number of representatives. If some inconvenience be at first experienced in finding a sufficiency of eligible candidates for both houses, it is an inconvenience which may be expected to prove temporary, but which seems inseparable from a really fair trial of the double Chamber.

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The number, forty-eight, is, however, not divided between the two Chambers as in the former Parliament Act—eighteen being allotted to the Council, and thirty to the Assembly. Danger was apprehended of diminishing the influence of the Council by giving a disproportionate superiority of numbers to the Assembly, whilst its influence is further guaranteed by its being elected by the same constituency as the Assembly, though grouped together in very different districts. Numbers may be considered as represented in the Assembly; whilst the various interests of the Colony are represented in the Council—the electoral districts for which are defined by the boundaries of the counties as nearly as possible.

Except certain limitations as to age and residence in the Colony, no qualifications are required from the members of either house beyond those necessary in their constituents; and the qualification of the latter remains the same as that fixed in the former Parliament Bill, with some important additions, such as members of the learned professions, persons receiving a certain amount of salary, &c. &c.

There is, however, one new and very special qualification required of all electors not at present registered, viz., a residence of two years in this Colony. I believe residence here, and an acquaintance with the customs and wants of the Colony, to be the best of all qualifications for the exercise of the electoral privilege.

As both houses will be elected by the same constituency, and no money vote can be proposed except by the Governor, through a responsible ministry, there has been no necessity to fetter such ministry by defining the powers or forms of either house. Nevertheless, to facilitate business, and afford the executive free scope for the selection of the most efficient officers, it is proposed that ministers shall sit and speak in either house, though voting only in that to which they shall have been elected.

The duration of the upper house is fixed by a third of the members retiring every four years, whilst the responsible character of the government is secured by directing that the principal public officers to conduct the government shall be members of one or other house, and by vesting the patronage of all offices in the Colony in the Governor and Executive Council.

The measure being separated into two Bills, to be passed simultaneously, reference is thereby rendered easier to the clauses which define constitutional principles, and those which arrange the details of registration and the electoral districts. To be judged of rightly, the measure must be regarded as a whole, and I fear that any considerable alteration in its details, especially in the two years' residence required from electors, may operate very injuriously.

In reference to the Civil List annexed to the measure, I have not thought it any part of my duty to make alterations in that proposed in the last Parliament Act, except by leaving it optional, under certain circumstances, for the present holders of office to accept an annual allowance as compensation for loss of office, as provided in the Tasmanian Constitution Bill.

This statement of my views as to the leading principles of the new Constitution Bills would be less frank and complete than I am anxious to make it, if I were to omit all allusion to a topic much discussed of late, viz.—voting by ballot. Although that mode of voting for the election of members to serve in the new Parliament is not adopted in the bills about to be submitted to you, because it seems to me very doubtful how such a change in the system hitherto followed would operate in this country, I do not wish any person to suppose that its omission from those Bills implies that the propriety of voting by ballot is a question which cannot be safely dealt with by those who have most local experience as to the wants and wishes of the community. If I could be certain that the ballot would materially tend to prevent disturbances at elections, and diminish bribery, whether by treating or in any other shape, I for one would gladly see it established here.

In conclusion, Gentlemen, and passing over several other important provisions of the measure, I may observe, that whilst it is scarcely possible to entrust a people with a more complete control over their own affairs than is conferred by the proposed Constitution, I believe the absence of all distinctions of class (either of electors or elected), the general simplicity of the measure, together with the fair distribution of representation allotted in one or other house to all interests and all districts in the Colony, will do more to ensure a truly conservative and harmonious conduct of the public business, than any system of checks and counter-checks which a more ingenious theory might suggest. Nevertheless, I anticipate that there will be at first many trials and many difficulties to be surmounted, and much need of patience and mutual forbearance; but I have every hope that such difficulties will end, through the blessing of Divine Providence, by South Australia attaining as great and rapid prosperity under her proposed, as she has already achieved under her present Constitution.

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No. 3.

No. 3.

Copy of DESPATCH from Governor Sir R. G. Macdonnell to the Right Hon. Sir William Molesworth, Bart.

(No. 55.) Government House, Adelaide, January 4, 1856.

(Received April 28, 1856.)

(Answered No. 34, July 19, 1856, page 109.)

Sir,

1. I have the honour to enclose a Bill, passed on the 2d instant by the Legislative Council of this colony, and intituled "An Act to establish a Con-"stitution for South Australia, and to grant a Civil List to Her Majesty." The Bill was reserved by me this day for the signification of the Queen's pleasure. Enclosure No. 1.

2. I enclose also "Votes and Proceedings" of the Legislature in connexion with the Bill, and the Advocate General's Report on it. That officer is of opinion that no legal objection exists to Her Majesty's assent being given to the measure, and that I am consequently justified in reserving it. Enclosure No. 2. Enclosure No. 3.

3. In my Despatch, No. 39,* of the 21st of November, transmitting my speech to the Legislature on opening the present session, I remarked that the proper time for giving official explanation of the policy of this Government in connexion with that measure would be when it had been finally disposed of by the Legislature. I now find my task to be in that respect one of very great simplicity, the policy of the Government having consisted in an attempt to embody in the measure such principles as appeared to have been most distinctly avowed by the electoral constituencies at the recent elections, and, secondly, where the wishes of the country were either not declared, or appeared to have been left doubtful, then to fill up the blank with such provisions as we judged best calculated to advance the general interests of the colony. * Page 63.

4. In our deliberations we were frequently assisted by the four non-official members of the Legislature, who had accepted their seats on the understanding that they retained the most perfect freedom of political action. I think I am safe in asserting that the members of no government ever assembled with a more sincere desire to give effect to all the reasonable wishes of a community, or with less restriction placed on their deliberations by the interference of the head of the Executive.

5. In illustration of our disposition to ascertain the feeling of the country, I may mention that the Colonial Secretary prepared a return, showing as far as he could collect from the speeches of the various successful candidates, and the conduct of the electoral bodies, what might be considered as the political questions "bonâ fide" decidedly settled by the result of the recent elections. It appeared from thence, although the voice of the country might be regarded as in favour of two Elective Chambers, one to be elected for a longer period than the other, that nevertheless we could not regard the constitution of the future council or upper chamber as in any manner definitively settled, either as to its duration, number of members, or qualification of its electors.

6. I the more particularly mention this, because several of the elective members and a portion of the press persisted during the discussion of the Constitution Bill in representing the Government as being in antagonism to the almost universal sentiment of the country. I think it right emphatically to deny the truth of such an assertion, and as a proof of its groundlessness may point to the fact, that neither in the Legislature, nor by the press, nor elsewhere, so far as I can ascertain, was any evidence whatever adduced to show that the majority of the electors or the candidates had in any authentic manner manifested their views on that subject.

7. The Government was as much interested as any other parties in ascertaining those views, and I can only say that their honest endeavours to discover those views were ineffectual, except in the case of perhaps four or five candidates, who might have been considered as in favour of universal suffrage by ballot for both houses, and the election of the Upper House by the whole province voting as one electoral district; a proposition so extreme in its nature, and presenting so little prospect of stability, that it would have required certainly a very unanimous feeling in its favour to justify the Government in entertaining it at all.

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8. The Bill, which I now transmit, contains, however, the very strongest evidence that at the general election there had been no decided manifestation of the feeling of the country on the mode of electing the Upper House. By the sixth clause of the Bill, none but electors possessing a certain amount of property, viz., 50*l.* clear value of freehold, or 20*l.* per annum of leasehold, &c., are to have the privilege of voting for members of the Upper House; whilst the Assembly is to be elected by universal suffrage, limited only by requiring each elector to be registered six months before the election at which he votes.

9. Had the Government introduced a measure dividing the electoral constituencies into two distinct bodies, one to possess a high property qualification, and the other no qualification at all, such a proposition would probably have excited violent opposition from one end of the province to the other, and yet when this project, which had received no support from the people at the general election, was suddenly adopted by an unexpected union of parties in the Legislature, the Government was immediately declared in antagonism to the people, for compelling the members advocating this novel scheme to vouch their approval of it in the only authentic mode known to the Constitution, viz., by voting for it.

10. Having thus vindicated the views and conduct of the Government in reference to the enclosed Bill, I shall as briefly as possible point out the leading principles of the measure, as contrasted with those which the Government was anxious to establish.

11. The Government proposed that both Chambers should be elected by the one constituency, and that such constituency should embrace, under various denominations, all who were in some form or other identified with the various interests of the Colony, or possessed of an adequate educational qualification by professional study or otherwise. In fact, the wish of the Government was to form one constituency on as wide and liberal a basis as possible, consistent with adequate protection to the community against a sudden rush of immigrants, whether from the neighbouring colonies or from Europe, possessing no settlement in South Australia, and necessarily interested in exercising on the elections an influence prejudicial to the importation of further rival labour, and to the security of the immigration fund. The Government plan, therefore, required two years' residence of an elector; but there would have been no reluctance to diminish that term to one year.

12. Whilst admitting the necessity of providing for the stability of the Government, by securing sufficient conservative ballast in some portion of the working machinery of the proposed Constitution, it was felt that making property the sole test of an elector's claim to vote for a member of the Upper House was an unstatesmanlike and deceptive mode of securing that stability, as it was likely to provoke a spirit of antagonism between the two Chambers, and in the event of a difference of opinion to awaken a hostile feeling against the monied classes and holders of property. Already, I perceive that the future Assembly is spoken of as the "People's House," in contradistinction to the future Legislative Council or "Upper House."

13. That proposition of the Government has been rejected, as stated above, and universal suffrage, qualified only by six months' registration, has been substituted for it in the case of the Lower House, whilst a qualification based exclusively on property has been required from the constituency of the Upper House.

14. It is necessary here to remark, that although the enclosed Bill defines the leading general principles of the new Constitution, yet one most important principle, and which has already been adopted by the Legislature, is not contained in it, being embodied in the Electoral Law Bill, still under discussion, which defines the various electoral districts, and which has been separated from the "Constitution Bill," properly so called, for the sake of distinctness, and also with a view to greater facility in amending its details hereafter, if required. I must, therefore, in some of the following remarks on the effect of the enclosed Bill, regard it in connection with certain portions of the new Electoral Law which have been already decided on.

15. It would be impossible to convey any accurate conception of the probable working of the enclosed Bill, without adverting to the fact, that by the Electoral Law Bill alluded to a most important alteration has been made in the principle laid down by Government for constituting the electoral divisions of the province

for both Chambers. It was the wish of the Government to represent all classes or interests in one or other Chamber, excluding none from either, but still rendering each in a certain degree the interpreter of different feelings and interests, so far as any one local interest can be regarded as separate from that of the entire province. We were desirous that the minority on every important question should have a voice, not necessarily obstructive to the wish of the majority, but yet sufficiently potential to gain a fair hearing for their arguments, and a due respect to their claims.

16. To effect this object the Government proposed dividing the general constituency of the province into different groups, for the election of the two Chambers. It is necessary here to state, that whilst two thirds of the population of the entire province reside in the county of Adelaide, there are only 743,206 acres in that county, whilst (including of course a vast extent of worthless surface) there are nearly 200,000,000 of acres in the whole province. Of the land sold there are 505,700 acres in the county of Adelaide, and 849,924 outside of that county.

17. In a colony scarce 20 years' old, which is expanding from day to day, and on the capabilities and future prospects of whose various territorial districts each year sheds a new light, it did not seem wise to confer on both Houses a greatly preponderating influence on the electors residing in one county, especially as so much of the capital of the colony in the shape of land, whose annual sales produce a revenue exceeding the income of the colony from all other sources, lies outside the bounds of that county.

18. It also seemed scarcely wise or just to repose in the inhabitants of the one county too exclusively the determination of all questions affecting the capabilities and development of other districts, varying in their productions and the natural outlets of their commerce. In colonial communities it is undeniable that the keen rivalry between the owners of property in different districts does not always lead to a generous exercise of power by the stronger towards the weaker party; and the truth of the remarks made in the report of the Committee of Her Majesty's Privy Council, 1st May 1849, as to the evils of undue centralization in these colonies, is soon impressed on a visitor. The opposition originally raised in this colony to the development of the navigation of the great Australian river, the Murray, lest produce should be exported by any outlet save that of Port Adelaide, where much capital belonging to an influential body of proprietors had been invested, has been aptly adduced by Earl Grey as a significant indication of the policy which might follow such centralization.

Colonial Policy, Vol. i. page 323. 2d edition.

19. The Government proposed, therefore, whilst taking numbers as their leading principle in arranging the electoral districts of the Lower House, to look to the great geographical features of the province, and probable future development of different interests, as their guide in arranging the electoral districts of the Upper House. Their proposition may be briefly summed up as one which would have given to the county of Adelaide the power of returning nearly two thirds of the Lower House and more than one third of the Upper, being perhaps quite as much permanent political influence as could fairly be expected to be bestowed on so small a portion of the area of a province containing other districts in a rapid course of development.

20. That proposition of the Government, one which was put forward, not as perfect in its details (which might have been subsequently discussed), but as affirming important principles to which it was advisable to adhere, was wholly rejected by the Legislature, who, by the Electoral Law Bill, in lieu of an attempt at representing the diversities of interest and local capabilities of the principal territorial divisions of the province, with their various harbours, products, and interests, have substituted for the Government plan the election of the Upper House by the whole province as one electoral division, and by electors differently qualified from the constituency of the Lower House. I consider, therefore, that the New Constitution, by taking numbers as the basis of representation for the Lower House, and by taking numbers, though of a different class of electors, as the basis of representation for the Upper House, has pursued a plan less likely than that of the Government to develop the growing capabilities of the more remote districts of the province; a matter of essential consequence to a young country. The majority of heads in the whole province will elect for the Assembly, and the majority of owners of property will elect to the Upper House, utterly excluding such interests as may be represented

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by a minority of electors for either house residing outside of Adelaide county. This is evident, because the majority both of heads and of holders of property are in that county, whilst many districts destined to great future importance as well as almost all the capital of the colony, viz., its unsold lands, lie outside of that county.

21. It does not appear to me that the other provisions of the Bill require any very detailed notice. Much discussion has arisen here as to whether in the attempts made by the Legislature to secure responsible government the Council has not in some instances exceeded its powers, and trenched on the Royal Prerogative, as in enacting that the future ministers shall be "ex officio" members of the Executive Council. Nevertheless, as it rests with Her Majesty to veto the Bill, if such should be Her pleasure, the Advocate General considers that it is a question solely for the Crown to decide how much or how little of that, or any other prerogative hitherto exercised within this province, it may be expedient to surrender. It is not a point decided, like some others, by Imperial legislation, and thereby placed beyond the authority both of the Crown and of the local Legislature to alter in the least particular. It is evident that without any such enactment an alteration in the present instructions as to the constitution of the Executive Council would become necessary, and that so long as governing by the majority of the Legislature is to be the ruling principle of the Administration, the Executive Council, as the Council of Government, should be constituted in harmony with that majority.

Section 32.

22. Clause 29., vesting all appointments in the Governor and Executive Council, except those of certain ministers to be appointed by the Governor only, and clause 33., requiring the counter-signature of the Colonial Secretary to all warrants for the expenditure of money, are designed to give, as it were, a material guarantee of the good faith with which the Executive shall carry out the principles of responsible government.

23. In writing to one conversant with constitutional law, I need scarcely observe, that when once the principle of rendering the ministry responsible to the majority of the Legislature shall have been conceded, the general patronage of the Government and control of the public expenditure must follow as a matter of course, and must necessarily attach to the Executive Government for the time being. I therefore regard such provisions as of no real value, beyond indicating the wishes and intentions of the Legislature. The power and responsibilities of future ministers would, in practice, be neither increased nor diminished by the insertion or omission of fifty such clauses.

24. In the event, however, of the law officers in England differing from the Advocate General and myself as to the power of the Legislature to enact all the clauses of the enclosed Bill, I hope Her Majesty's Government will not hesitate to give effect to the measure by a short Imperial Act, as I certainly cannot advise that this colony should be longer left in its present state of transition from a form of government which has suddenly become antiquated, to another which the colony is anxious to attain. However unsuitable or inconvenient the proposed Constitution may prove, matters have come to such a pass that I am now convinced the proposed form of government would work far better than the present. It is easy to see that the officers of Government have not their former influence as servants of the Crown, nor the prestige, which they may perhaps acquire hereafter, as the chosen ministry of the people. They cannot be regarded as selected by the Governor, for his finding them in office was an accident; nor have they the active support which party government would ensure to the ministry of the day. Looking avowedly to the meetings hereafter, their heart cannot be in their present duties, especially as everything connected with Government is regarded with a suspicion which must be all the more disheartening if it be entirely undeserved. The long delays and disappointments connected with the Constitution have necessarily produced this diminution of Government influence, impairing greatly the useful exercise of their functions by the Governor and his Executive officers. It is natural, therefore, that I should desire to terminate a state of things attended with so little advantage or satisfaction to any of the parties concerned.

25. I have only to remark, in conclusion, that I have not heard, on the part of the officers of Government, the tenure of whose offices is altered by the enclosed Bill, any expression of dissatisfaction at the amount of the retiring allowances secured to them. They cannot certainly be regarded as excessive. In reference

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to the salaries secured in future to certain public officers, I am not aware of any necessity for providing salaries in the enclosed Bill for any, except the Governor and Judges, and in their case for obvious reasons inapplicable to any other individuals. The persons least likely to be neglected under responsible government will be the responsible ministers themselves, and, nevertheless, their salaries are provided for in the schedules of the enclosed Bill, the Legislature having in that respect adhered to the principle of the Constitution Bill passed in 1853.

I have, &c.

(Signed) RICHARD GRAVES MACDONNELL,
Governor.

The Right Hon. Sir William Molesworth, Bart.,
&c. &c. &c.

Enclosure 1 in No. 3.

Encl. 1 in No. 3.

No. II.

AN ACT to establish a Constitution for South Australia, and to grant a Civil List to Her Majesty. [.]

Preamble.

WHEREAS by an Act of the Imperial Parliament, passed in the session holden in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was amongst other things enacted, that, notwithstanding anything therein contained, it should be lawful for the Governor and Legislative Council of the Province of South Australia, from time to time, by any Act or Acts, to alter the provisions and laws for the time being in force under the said Act of Parliament, or otherwise concerning the election of the elective Members of such Legislative Council, the qualification of electors and elective Members, or to establish in the said Province, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist of such Members, to be appointed or elected by such persons, and in such manner, as by such Act or Acts should be determined, and to vest in such Council and House of Representatives, or other separate Legislative Houses, the powers and functions of the Legislative Council for which the same may be substituted: And whereas it is expedient to exercise the powers by the said Act vested in the Governor and Legislative Council of the said Province, and to substitute for the said Legislative Council a Parliament consisting of a Legislative Council and Assembly, constituted and elected as hereinafter provided: Be it therefore enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Parliament to be constituted in South Australia.

1. There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a House of Assembly, which shall be called "The Parliament of South Australia," and shall be severally constituted in the manner herein-after prescribed, and such Legislative Council and House of Assembly shall have and exercise all the powers and functions of the existing Legislative Council: Provided that all Bills for appropriating any part of the Revenue of the said Province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly.

Place and time for holding Sessions of Parliament.

2. It shall be lawful for the Governor to fix such places and times for holding the first and every other Session of the said Parliament as he may think fit, and from time to time to change or vary the same as he may judge advisable and most consistent with general convenience and the public welfare, giving sufficient notice thereof; and also to prorogue the said Parliament from time to time, and to dissolve the said House of Assembly by Proclamation or otherwise whenever he shall deem it expedient: Provided that nothing herein contained shall authorize the Governor to dissolve the said Legislative Council.

Duration of Parliament.

3. There shall be a Session of the said Parliament once at least in every year; so that a period of twelve calendar months shall not intervene between the last sitting of the Parliament in one Session and the first sitting of the Parliament in the next Session; and every House of Assembly hereafter to be summoned and chosen, shall continue for three years from the day on which such House of Assembly shall first meet for the dispatch of business, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor.

First calling together of Parliament.

4. The said Parliament shall be called together for the first time at some period not later than six calendar months after the Proclamation of this Act by the Governor.

Legislative Council to consist of eighteen Members.

5. The Legislative Council shall for the present consist of eighteen elected Members, who shall be elected by the inhabitants of the said Province, legally qualified to vote: and no person shall be capable of being elected a Member who shall not be of the full age of thirty years, and a natural-born or naturalized subject of Her Majesty, or legally made a denizen of the said Province, and who shall not have resided within the said Province for the full period of three years.

Qualification of Members.

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Qualification of electors for Legislative Council.

6. Every man of the age of twenty-one years, being a natural-born or naturalized subject of Her Majesty, or legally made a denizen of the said Province, and having a freehold estate in possession, either legal or equitable, situate within the said Province, of the clear value of Fifty Pounds sterling money above all charges and incumbrances affecting the same, or having a leasehold estate in possession, situate within the said Province, of the clear annual value of Twenty Pounds, the lease thereof having been registered in the general Registry Office, for the registration of deeds, and having three years to run at the time of voting, or containing a clause authorizing the lessee to become the purchaser of the land thereby demised, or occupying a dwelling-house of the clear annual value of Twenty-five Pounds sterling money, and who shall have been registered on the Electoral Roll of the Province six months prior to the election, shall be entitled to vote at the election of Members of the Legislative Council.

Election of President of Legislative Council.

7. The Legislative Council shall, at its first meeting, and before proceeding to the dispatch of any other business, elect some Member of the said Council to be the President thereof; and as often as the place of such President shall become vacant by death, resignation, vacating his seat, or removal by a vote of the said Council, the said Council shall again elect some other Member to be the President thereof; and the President so elected shall preside at all meetings of the said Council; and the election of the President of the Legislative Council shall be notified to the Governor by a deputation of the said Council.

Order in which Members to retire.

8. The Legislative Council shall, immediately after the election of the President thereof, proceed to determine by lot the order in which the names of the several Members shall be entered upon a list to be called the "Members' Roll;" and at the expiration of four years from the date of issuing of the writs for the first election under this Act, and thenceforward at the expiration of every succeeding four years, such six Members as shall be the first six on such Members' Roll shall vacate their seats, and six Members shall be elected to supply the vacancies so created; and immediately after the Members so elected to fill the vacancies so created shall have taken their seats, they shall proceed in like manner to determine by lot the order in which their names shall be respectively placed on the Members' Roll, next after the names of the Members previously on the said roll; and in the event of a single Member being elected to fill a seat in the said Council, vacant by reason of death, acceptance of office, or otherwise, the name of such Member shall be placed last on the said Members' Roll, to the intent that one third of the whole number of Members of the Legislative Council, consisting of such six Members as shall have held their seats for the longest period, shall vacate their seats every four years.

Absence of President provided for.

9. In case of the absence of the President, in consequence of leave of absence granted to him by the House, or of illness, or other unavoidable cause, it shall be lawful for the Legislative Council to choose some other Member of the said House to fill temporarily the office and perform the duties of the President during his absence.

Quorum of Legislative Council.

10. The Legislative Council shall not be competent to the dispatch of business unless there be present, including the President, or the Person chosen to preside in his absence, at least seven Members of the said Council; and all questions which shall arise shall be decided by a majority of the votes of those Members of the Council who shall be present, exclusive of the President, or the person chosen as aforesaid, who shall be allowed a casting vote.

Members of Legislative Council may resign.

11. It shall be lawful for any Member of the Legislative Council, by writing under his hand, addressed to the President of the said Council, and which writing shall forthwith, after the signing thereof, be delivered to such President, to resign his seat in the said Legislative Council, and upon the receipt of such resignation by such President the seat of such Member shall become vacant.

Seat in Legislative Council, how to become vacant.

12. If any Legislative Councillor shall, for two consecutive months of any Session of the Legislative Council, fail to give his attendance therein, without the permission of the said Council, or shall take any oath or make any declaration or act of acknowledgment of allegiance or adherence to any foreign Prince or power, or shall do, concur in, or adopt any act whereby he may become a subject or citizen of any foreign state or power, or shall become bankrupt, or shall take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or shall become of unsound mind, his seat in such Council shall thereby become vacant.

Question of vacancy, how determined.

13. Whenever any question shall arise respecting any vacancy in the Legislative Council or House of Assembly, the same shall be heard and determined by the Legislative Council and House of Assembly respectively.

Qualification of Members of Assembly.

14. The House of Assembly shall, for the present, consist of thirty-six Members, who shall be elected by the inhabitants of the said Province; and any Person who shall be qualified and entitled to be registered as a voter in and for any electoral district within the said Province shall be qualified and entitled to be elected a Member of the House of Assembly for any electoral district within the said Province.

Aliens not eligible until after residence of five years.

15. No person, not being a natural-born subject of Her Majesty, shall be qualified and entitled to be elected a Member of the said Parliament unless he shall have resided in the said Province for the full period of five years.

16. Every man of the age of twenty-one years, being a natural-born or naturalized subject of Her Majesty, and having been registered upon the Electoral Roll of any District for the period of six calendar months prior to any election, shall be qualified to vote in the election of Members to serve in the House of Assembly: Provided, that no man shall be entitled to vote at the election of a Member of the Legislative Council or House of Assembly who has been attainted or convicted of treason or felony, or other infamous offence, in any part of Her Majesty's dominions, unless he has received a free pardon for such offence, or has undergone the sentence passed on him for such offence.

Qualification of Electors.

Proviso.

17. If any Member of the said Parliament shall accept of any office of profit or pension from the Crown, during pleasure, excepting those offices which are herein-after required to be held by Members of the said Parliament, his seat shall be thereupon and is hereby declared to be vacant.

Disqualifying clause of Members of Parliament.

18. If any person by this Act disabled or declared to be incapable to vote or sit in the said Parliament, shall, nevertheless, be elected and returned as a Member to serve in the said Parliament for any electoral district, such election and return shall and are hereby declared to be void to all intents and purposes whatsoever; and if any person so elected and returned contrary to the provisions of this Act shall presume to sit or vote as an elected Member of the said Parliament in any Session to be hereafter summoned and holden, such person shall forfeit the sum of five hundred pounds, to be recovered by any person who shall sue for the same in the Supreme Court of the said Province, or in any other Court of Record in the said Province having competent jurisdiction.

Election of disqualified persons void.

Penalty on their sitting and voting.

19. The Members of the House of Assembly shall, upon the first assembling after every general election, proceed forthwith to elect one of their number to be Speaker, and in case of his death, resignation, or removal by a vote of the said House of Assembly, the said Members shall forthwith proceed to elect another of such Members to be such Speaker, and the Speaker so elected shall preside at all meetings of the said House of Assembly; and the election of such Speaker shall be forthwith notified to the Governor by a deputation of the said House.

Election of the Speaker.

20. In case of the absence of the Speaker, in consequence of leave of absence granted to him by the House, or of illness or other unavoidable cause, it shall be lawful for the House of Assembly to choose some other Member of the said House to fill, temporarily, the office and perform the duties of the Speaker during his absence.

Absence of Speaker provided for.

21. The presence of at least one third of the Members of the said House of Assembly, exclusive of the Speaker, or of the person chosen to preside in his absence, shall be necessary to constitute a meeting of the said House of Assembly for the dispatch of business; and all questions which shall arise in the said House of Assembly shall be decided by the majority of votes of such Members as shall be present, other than the Speaker or person aforesaid, and when the votes shall be equal the Speaker or person aforesaid shall have the casting vote.

Quorum; division; casting vote.

22. No member of the said Parliament shall be permitted to sit or vote therein until he shall have taken and subscribed the following oath before the Governor, or before some person or persons authorized by the Governor to administer such oath:—

No Member to sit or vote until he has taken the following oath of allegiance.

'I, A.B., do sincerely promise and swear, that I will be faithful and bear true 'allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom 'of Great Britain and Ireland, and of this Province of South Australia, dependent on 'and belonging to the said United Kingdom, and that I will defend Her to the utmost 'of my power against all traitorous conspiracies and attempts whatsoever, which shall be 'made against Her person, crown, and dignity; and that I will do my utmost endeavour 'to disclose and make known to Her Majesty, Her heirs and successors, all treasons and 'traitorous conspiracies and attempts which I shall know to be against Her, or any of 'them; and all this I do swear without any equivocation, mental evasion, or secret 'reservation, and renouncing all pardons and dispensations from any person or persons 'whatever to the contrary. So help me God.'

Oath of allegiance.

23. It shall be lawful for any Member of the House of Assembly by writing under his hand, addressed to the Speaker of the said House, and which writing shall forthwith after the signing thereof be delivered to such Speaker, to resign his seat therein, and upon the receipt of such resignation by the Speaker the seat of such Member shall become vacant.

Resignation of seats in the Assembly.

24. Every person authorized by law to make an affirmation instead of taking an oath may make such affirmation in every case in which an oath is hereby required to be taken.

Affirmation instead of oath.

25. If any Member of the House of Assembly shall, for two consecutive months of any Session of the Legislature, without the permission of such House of Assembly entered upon its journals, fail to give his attendance in the said House, or shall take any oath or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power, or do or concur in or adopt any act whereby he may become a subject or citizen of any foreign state or power, or become entitled to the rights, privileges, or immunities of a subject or citizen of any foreign state or power, or shall become bankrupt or an insolvent debtor within the meaning of the laws in force within the said Province relating to bankrupts or insolvent debtors, or shall become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or

Vacating seats of Members of Assembly in certain cases.

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shall become of unsound mind, his seat in such House of Assembly shall thereby become vacant.

Election to take place on vacancies.

26. When and so often as a vacancy shall occur in the said Legislative Council or House of Assembly, upon a resolution by the House declaring such vacancy and the causes thereof, the President or Speaker, as the case may be, shall forthwith cause a writ to be issued for supplying such vacancy.

Standing Rules and Orders to be made.

27. The said Legislative Council and House of Assembly, at the first sitting of each respectively, and from time to time afterwards as there shall be occasion, shall prepare and adopt such Standing Rules and Orders as shall appear to the said Council and Assembly respectively best adapted for the orderly conduct of such Council and Assembly respectively, and for the regulation of the proceedings thereof and the dispatch of business therein, and for the manner in which such Council and Assembly shall be presided over in case of the absence of the President or Speaker, and for the mode in which such Council and Assembly shall confer, correspond, and communicate with each other relative to votes or bills passed by or pending in such Council and Assembly respectively, and for the proper passing, intituling, and numbering of the Bills to be introduced into and passed by the said Council and Assembly, and for the proper presentation of the same to the Governor for the time being for Her Majesty's assent, all of which Rules and Orders shall, by such Council and Assembly respectively, be laid before the Governor, and, being by him approved, shall become binding and of force.

Governor's Message.

28. It shall be lawful for the Governor to transmit, by message, to the Council or Assembly, for their consideration, any amendment which he shall desire to be made in any Bill presented to him for Her Majesty's assent, and all such amendments shall be taken into consideration in such convenient manner as shall by the rules and orders aforesaid be in that behalf provided.

Appointment of officers vested in Governor and Executive Council.

29. The appointment to all public offices under the Government of the said Province hereafter to become vacant or be created, whether such offices be salaried or not, shall be vested in the Governor, with the advice and consent of the Executive Council, except the appointment of the officers herein-after required to be Members of the said Parliament, the appointment and dismissal of which officers shall be vested in the Governor alone: Provided that this enactment shall not extend to minor appointments, which, by Act of the Legislature or by order of the Governor and Executive Council, may be vested in Heads of Departments or other officers or persons within the said Province.

Judges to hold office during good behaviour, notwithstanding any demise of the Crown.

30. The commissions of the present Judges of the Supreme Court, and of all future Judges thereof, shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty (whom may God long preserve), or of Her Heirs and Successors, any law, usage, or practice to the contrary thereof in anywise notwithstanding.

Judges may be removed on address of both Houses of Parliament.

31. It shall be lawful, nevertheless, for Her Majesty, Her Heirs and Successors, to remove any such Judge or Judges upon the address of both Houses of the said Parliament.

Certain offices to be held by Members of Parliament.

32. After the first general election of the said Parliament, no person shall hold any of the offices following, that is to say, Chief Secretary, Attorney General, Treasurer, Commissioner of Crown Lands and Immigration, and Commissioner of Public Works, for any longer period than three calendar months, unless he shall be a Member of the Legislative Council or House of Assembly for the time being; and the persons for the time being holding such offices shall ex officio be Members of the Executive Council.

Certain orders, warrants, &c. not to be valid unless countersigned.

33. No officer of the Government shall be bound to obey any order of the Governor involving any expenditure of public money, nor shall any warrant for the payment of money, or any appointment to or dismissal from office, be valid, except as herein provided, unless such order, warrant, appointment, or dismissal shall be signed by the Governor, and countersigned by the Chief Secretary.

Power to Parliament to alter this Act.

34. The said Parliament shall have full power and authority, from time to time, by any Act, to repeal, alter, or vary all or any of the provisions of this Act, and to substitute others in lieu thereof: Provided that it shall not be lawful to present to the Governor, for Her Majesty's assent, any Bill by which an alteration in the Constitution of the said Legislative Council or House of Assembly may be made, unless the second and third reading of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the Members of the said Legislative Council and of the House of Assembly respectively: Provided also, that every Bill which shall be so passed shall be reserved for the signification of Her Majesty's pleasure thereon.

Privileges of Parliament.

35. It shall be lawful for the said Parliament, by any Act, to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the said Legislative Council and House of Assembly, and by the Members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those now held, enjoyed, and exercised by the Commons House of Parliament or the Members thereof.

Judges and Ministers of Religion ineligible for election.

36. No Judge of any Court of the said Province, nor any Clergyman or Officiating Minister, shall be capable of being elected a Member of the said Legislative Council or House of Assembly.

Salaries of President and Officers of Legislative Council.

37. The salary of the President of the said Legislative Council shall be at least equal to the salary of the Speaker of the said House of Assembly; and the salaries and

allowances of the various officers of the said Legislative Council shall be the same as those of the corresponding officers of the said House of Assembly; and the Chief Clerk for the time being of the said Legislative Council and of the said House of Assembly shall respectively be removeable from office only in accordance with a vote of the House of which he shall be an officer.

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Chief Clerk only removable on a vote of the House.

38. There shall be payable to Her Majesty, Her Heirs and Successors, in every year, out of the Consolidated Revenue Fund of the Province of South Australia, the several sums, not exceeding in the whole Thirteen Thousand Five Hundred Pounds, for defraying the expenses of the services and purposes set forth in the Schedule to this Act annexed marked A., and the said several sums shall be issued by the Treasurer of the said Province in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

Civil List granted to Her Majesty.

39. And whereas by the operation of this Act certain officers of the Government will become liable to loss of office, by reason of their inability to become Members of the said Parliament, or to command the support of a majority of the Members thereof, or upon other grounds, without any misconduct or incapacity on the part of such officer, and it is just to compensate the present holders of such offices for the actual loss of their offices, in case the same should happen by the causes aforesaid or any of them; be it enacted, that the sums set opposite the names of the persons mentioned in Schedule B. to this Act annexed, who at present respectively hold the offices therein mentioned, shall be payable annually by way of retiring allowance to such persons respectively during their respective lives, upon their respective retirement or removal from office upon the grounds aforesaid, or any of them, after this Act shall come into operation; and all such sums as aforesaid shall be payable and paid to such persons out of the General Revenue; and the Treasurer for the time being is hereby authorized and required to make such payments accordingly, on warrants under the hand of the Governor; provided, that if, after any such annual retiring allowance as aforesaid shall have become payable, the person entitled thereto shall accept any new appointment under the Crown, then such retiring allowance shall merge or be reduced pro tanto during the tenure of such appointment, according as the salary or emolument of such new appointment is or are of greater or less amount than such retiring allowance of such person.

Compensation to officers liable to loss of offices.

40. It shall not be lawful for either House of the said Parliament to pass any vote, resolution, or Bill, for the appropriation of any part of the Revenue, or of any tax, rate, duty, or impost, for any purpose which shall not have been first recommended by the Governor to the said House of Assembly during the session in which such vote, resolution, or Bill shall be passed.

All money votes to be recommended by the Governor.

41. This Act shall be published in South Australia by the Governor of the said province within three months after Her Majesty's approval of the same shall have been received, by proclamation for that purpose in the South Australian Government Gazette, and shall commence and take effect from the day of the date of such Proclamation.

Act to be proclaimed.

42. Anything herein contained to the contrary notwithstanding, the Legislative Council now subsisting shall continue and exist until the issue of the first writs for the election of Members of the Parliament hereby constituted.

Present Legislature to continue till issue of writs for new Parliament.

43. In referring to this Act it shall be sufficient to make use of the expression "The Constitution Act."

Short title may be cited.

J. H. FISHER,
Speaker.

Passed the Legislative Council, this second day of January, one thousand eight hundred and fifty-six.

F. C. SINGLETON,
Clerk of Legislative Council.

Reserved for the signification of the Queen's pleasure,

RICHARD GRAVES MACDONNELL,
Governor-in-Chief.

Government House, Adelaide,
4th January 1856.

SCHEDULE A.

PART I.

	£	s.	d
Salary of Governor - - - -	4,000	0	0
Salary of First Judge - - - -	1,500	0	0
Salary of Second Judge - - - -	1,300	0	0
Salary of Attorney General - - -	1,000	0	0
Salary of Crown Solicitor and Public Prosecutor -	600	0	0

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PART II.

	£	s.	d.
Salary of Chief Secretary - - -	1,300	0	0
Salary of Under Secretary - - -	600	0	0
Salary of Treasurer - - -	900	0	0
Salary of Auditor General - - -	700	0	0
Salary of Commissioner of Lands and Immigration -	800	0	0
Salary of Commissioner of Public Works - -	800	0	0

SCHEDULE B.

Retiring Allowance on Loss of Office.

	£	s.	d.
Boyle Travers Finniss, Colonial Secretary - -	425	0	0
Richard Davies Hanson, Advocate General - -	375	0	0
Robert Richard Torrens, Colonial Treasurer - -	325	0	0
Charles Bonney, Commissioner of Crown Lands -	250	0	0

Encl. 2 in No. 3.

Enclosure 2 in No. 3.

VOTES and PROCEEDINGS of the LEGISLATIVE COUNCIL of SOUTH AUSTRALIA in reference to the CONSTITUTION BILL.

Thursday, November 1, 1855.

7. Bills laid on the Table:—The Colonial Secretary, by command of His Excellency the Governor-in-Chief, laid on the table the following Bills, viz.:—

I. A Bill intituled an Act to provide for the Election of Members to serve in the Parliament of South Australia.

II. A Bill intituled an Act to establish a Parliament in South Australia, and to grant a Civil List to Her Majesty.

Friday, November 2.

3. Constitution Bill:—The Colonial Secretary, pursuant to notice, moved—That "A Bill intituled an Act to establish a Parliament in South Australia, and to grant a Civil List to Her Majesty," be now read a first time.

Question put and passed.

Bill read a first time.

Tuesday, November 20.

4. Constitution Bill:—The Colonial Secretary, pursuant to notice, moved—That "A Bill intituled an Act to establish a Parliament in South Australia, and to grant a Civil List to Her Majesty," be now read a second time.

Debate ensued.

Mr. Kingston moved an amendment—That all the words after the word "That" be struck out, with a view to insert the following: "this Council is of opinion that, in order to meet the wishes of the Colonists, as expressed at the recent General Election, the Bills granting an amended Constitution to South Australia, intituled, 1st, "An Act to establish a Parliament in South Australia, and to grant a Civil List to Her Majesty;" and, 2nd, "An Act to provide for the Election of Members to serve in the Parliament of South Australia,"—should contain enactments carrying out in detail the following principles:—

I. Responsible Government: The Executive Council or Ministry to consist of six persons selected from the Members of the Legislature or Parliament (not less than four of whom shall have seats in the Lower House), and who shall continue to hold their seats after having accepted office in the Executive Council or Ministry until the next General Election, and who may be removed from office by a vote of the Legislature. All Money Bills to be originated by the Government in the Lower House.

II. The extension of the elective franchise to every male twenty-one years of age, untainted by crime, who has been registered six months in the District.

III. The Parliament or Legislature to consist of two Chambers, both Elective; the Upper House to consist of twelve, and the Lower House of thirty-six Members.

IV. The election to the Upper House to be by all the Electors of the Colony, voting as one District.

V. The election to the Lower House to be by Districts, for which purpose the Colony shall be divided into convenient Electoral Districts.

VI. The qualification for Electors to both Houses to be the same.

VII. No property qualification to be required for Members of either House. The qualification of Candidates to be as follows:—for the Lower House, the being qualified to vote as an Elector for any District; and for the Upper House, the Candidate shall, in addition, be not less than thirty-five years of age and have been resident in the Colony three years.

VIII. The Lower House to be elected for a period not exceeding five years.

IX. In the Upper House, the Members to be elected for a period not exceeding nine years; one-third of the number to retire, and a fresh election of one-third to take place, every three years.

X. All elections to be by ballot."

Debate continued.

Mr. Bagot moved—That this debate be adjourned till to-morrow.

Question put and passed.

Wednesday, November 21.

12. Constitution Bill: adjourned debate on second reading:—The question having been proposed—That this Bill be now read a second time.

To which an amendment was made, to leave out all the words after "That," with a view to insert the following:

"This Council is of opinion that, in order to meet the wishes of the Colonists, as expressed at the recent General Election, the Bills granting an amended Constitution to South Australia, intituled, 1st, "An Act to establish a Parliament in South Australia, and to grant a Civil List to Her Majesty;" and, 2nd, "An Act to provide for the Election of Members to serve in the Parliament of South Australia,"—should contain enactments carrying out in detail the following principles:—

I. Responsible Government: The Executive Council or Ministry to consist of six persons selected from the Members of the Legislature or Parliament (not less than four of whom shall have seats in the Lower House), and who shall continue to hold their seats after having accepted office in the Executive Council or Ministry until the next General Election, and who may be removed from office by a vote of the Legislature. All Money Bills to be originated by the Government in the Lower House.

II. The extension of the elective franchise to every male twenty-one years of age, untainted by crime, who has been registered six months in the District.

III. The Parliament or Legislature to consist of two Chambers, both Elective; the Upper House to consist of twelve, and the Lower House of thirty-six Members.

IV. The election to the Upper House to be by all the Electors of the Colony, voting as one District.

V. The election to the Lower House to be by Districts, for which purpose the Colony shall be divided into convenient Electoral Districts.

VI. The qualification for Electors to both Houses to be the same.

VII. No property qualification to be required for Members of either House. The qualification of Candidates to be as follows:—for the Lower House, the being qualified to vote as an Elector for any District; and for the Upper House, the Candidate shall, in addition, be not less than thirty-five years of age, and have been resident in the Colony three years.

VIII. The Lower House to be elected for a period not exceeding five years.

IX. In the Upper House, the Members to be elected for a period not exceeding nine years; one third of the number to retire, and a fresh election of one-third to take place, every three years.

X. All elections to be by ballot."

Debate resumed.

Amendment by leave withdrawn.

Question—That this Bill be now read a second time—put and passed.

Bill read a second time, and ordered to be considered in Committee on Tuesday next, 27th November.

Tuesday, November 27.

5. Constitution Bill:—On the Order of the Day for the consideration of this Bill in Committee being read, the Speaker left the chair, and the Council resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Preamble postponed.

Clause No. 1. agreed to.

Clause No. 2. read.

SOUTH AUSTRALIA.

On motion of Mr. Kingston, the first Standing Order was suspended, to admit of the reconsideration of clause No. 1.

Clause No. 1. read:

Amendment proposed—at the end of the clause to add the words "provided that all Bills for appropriating any part of the revenue of the said Province, or for imposing any new rate, tax, or impost, shall originate in the House of Assembly."

Question.—That the words proposed to be added be so added.

Committee divided.

Ayes, 11.	Noes, 10.
Mr. Bagot.	The Advocate-General.
Mr. Peacock.	The Surveyor-General.
Mr. Neales.	The Colonial Treasurer.
Mr. Blyth.	Mr. Younghusband.
Mr. Rankine.	Mr. Baker.
Mr. Reynolds.	Mr. Hart.
Mr. Hughes.	Mr. Davenport.
Mr. Angas.	Mr. Stirling.
Mr. Watts.	Mr. Dutton.
Mr. Scott.	The Colonial Secretary (Teller).
Mr. Kingston (Teller).	

Clause No. 1. amended and agreed to.

Clause No. 2. agreed to.

Clause No. 3. read:

Amendment proposed.—Line 20, to strike out the word "five," with a view to insert the word "three" in lieu thereof.

Question.—That the word proposed to be struck out stand part of the question,—put and negatived.

Question.—That the word proposed to be inserted be so inserted,—put and passed.

To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the chairman reported progress, and obtained leave to sit again on Wednesday (to-morrow).

Wednesday, November 28.

6. Constitution Bill:—On the Order of the Day for the consideration of this Bill in Committee being read, the Speaker left the chair, and the Council resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Clause No. 3. amended and agreed to.

Mr. Reynolds moved,—That the Chairman do now report progress, and ask leave to sit again this day week.

Committee divided.

Ayes, 10.	Noes, 10.
Mr. Bagot.	The Advocate-General.
Mr. Kingston.	The Surveyor-General.
Mr. Davenport.	The Colonial Treasurer.
Mr. Baker.	Mr. Stirling.
Mr. Rankine.	Mr. Blyth.
Mr. Angas.	Mr. Younghusband.
Mr. Hughes.	Mr. Hart.
Mr. Scott.	Mr. Watts.
Mr. Peacock.	Mr. Neales.
Mr. Reynolds (Teller).	The Colonial Secretary (Teller).

The number for the Ayes and Noes being equal, the chairman gave his casting vote for the Noes.

Clause No. 4. agreed to.

Clause No. 5. read:

Amendment proposed.—Line 26, to strike out the word "eighteen," with a view to insert the word "twelve" in lieu thereof.

Question.—That the words proposed to be struck out stand part of the question.
Committee divided.

Ayes, 14.	Noes, 7.
The Advocate-General.	Mr. Scott.
The Surveyor-General.	Mr. Bagot.
The Colonial Treasurer.	Mr. Reynolds.
Mr. Watts.	Mr. Dutton.
Mr. Rankine.	Mr. Peacock.
Mr. Neales.	Mr. Blyth.
Mr. Younghusband.	Mr. Kingston (Teller).
Mr. Baker.	
Mr. Hart.	
Mr. Angas.	
Mr. Hughes.	
Mr. Stirling.	
Mr. Davenport.	
The Colonial Secretary (Teller).	

Clause No. 5. amended and agreed to.
Clause No. 6. amended and agreed to.

To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the chairman reported progress, and obtained leave to sit again on Wednesday next, 5th December.

Wednesday, December 5.

6. Constitution Bill:—On the Order of the Day for the consideration of this Bill in Committee being read, the Speaker left the chair, and the Council resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Clauses No. 7. to No. 12. postponed.
Clause No. 13. read:

Amendment proposed.—Page 4, Line 1, to strike out the word "thirty," and to insert the words "fifty-four" in lieu thereof.

Question.—That the word proposed to be struck out stand part of the question.
Committee divided.

Ayes, 13.	Noes, 7.
The Colonial Secretary.	Mr. Scott.
The Surveyor-General.	Mr. Blyth.
The Colonial Treasurer.	Mr. Reynolds.
Mr. Stirling.	Mr. Dutton.
Mr. Davenport.	Mr. Bagot.
Mr. Baker.	Mr. Peacock.
Mr. Younghusband.	Mr. Kingston (Teller).
Mr. Angas.	
Mr. Neales.	
Mr. Rankine.	
Mr. Watts.	
Mr. Hughes.	
The Advocate-General (Teller).	

Question.—That the clause stand as read.

Amendment proposed.—Page 4, line 1, after the word "thirty" to add the word "six."

Question.—That the word proposed to be added to be so added.
Committee divided.

Ayes, 16.	Noes, 4.
Mr. Kingston.	The Advocate-General.
Mr. Neales.	The Surveyor-General.
Mr. Watts.	The Colonial Treasurer.
Mr. Rankine.	The Colonial Secretary (Teller).
Mr. Bagot.	
Mr. Davenport.	
Mr. Stirling.	
Mr. Scott.	
Mr. Younghusband.	
Mr. Blyth.	
Mr. Dutton.	
Mr. Hughes.	
Mr. Peacock.	
Mr. Reynolds.	
Mr. Angas.	
Mr. Baker (Teller).	

Clause No. 13. amended and agreed to.
Clauses No. 14. and No. 15. postponed.
Clauses No. 16. to No. 23. agreed to.
To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the chairman reported progress, and obtained leave to sit again on Friday next, 7th December.

Friday, December 7.

7. Constitution Bill:—On the Order of the Day for the consideration of this Bill in Committee being read, the Speaker left the chair, and the Council resolved itself into a committee of the whole.

[IN THE COMMITTEE.]

Clause No. 24. amended and agreed to.
Clause No. 15. read:
Amendment proposed.—To strike out the clause.
Question.—That the clause proposed to be struck out stand part of the bill.
Committee divided.

Ayes, 6.	Noes, 14.
The Colonial Secretary.	Mr. Hart.
The Surveyor-General.	Mr. Younghusband.
The Colonial Treasurer.	Mr. Angas.
Mr. Stirling.	Mr. Hughes.
Mr. Davenport.	Mr. Scott.
The Advocate-General (Teller).	Mr. Dutton.
	Mr. Bagot.
	Mr. Blyth.
	Mr. Peacock.
	Mr. Kingston.
	Mr. Watts.
	Mr. Neales.
	Mr. Reynolds.
	Mr. Baker (Teller).

Clause No. 15. struck out.
To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the chairman reported progress, and obtained leave to sit again on Tuesday, 18th December.

Tuesday, December 18.

3. Constitution Bill:—On the Order of the Day for the consideration of this Bill in Committee being read, the Speaker left the chair, and the Council resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Clause A. agreed to, and ordered to stand next after Clause No. 5.
Clause No. 7. amended.
Question.—That this clause do stand as amended.
Committee divided.

Ayes, 11.	Noes, 7.
The Advocate-General.	Mr. Blyth.
The Surveyor-General.	Mr. Scott.
The Colonial Treasurer.	Mr. Bagot.
Mr. Stirling.	Mr. Reynolds.
Mr. Angas.	Mr. Peacock.
Mr. Davenport.	Mr. Hughes.
Mr. Younghusband.	Mr. Kingston (Teller).
Mr. Baker.	
Mr. Dutton.	
Mr. Watts.	
The Colonial Secretary (Teller).	

Clauses No. 8. to No. 10. agreed to.
Clause No. 11. amended and agreed to.
Clauses No. 12. and No. 14. agreed to.
Clause B. agreed to, and ordered to stand No. 15.
Clauses No. 25. to No. 27. agreed to.
Clause No. 28. amended.
To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the chairman reported progress, and obtained leave to sit again on Wednesday, 19th December.

Ordered, That the consideration of the Constitution Bill in Committee do stand as Order of the Day No. 1. on notice paper for Wednesday, 19th December.

Wednesday, December 19.

3. Constitution Bill:—On the Order of the Day for the consideration of this Bill in Committee being read, the Speaker left the chair, and the Council resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Amended Bill:

Clauses No. 29. to No. 31. agreed to.

Clause No. 32. amended and agreed to.

Clause No. 33. struck out.

Clause C.—(providing that Governor, on recommendation of Colonial Secretary, may, if necessary, appoint three officers, not having been elected, to have seats in the Parliament; tenure of office to cease on Ministry being displaced)—read:

Question.—That this clause stand part of the Bill.

Committee divided.

Ayes, 8.	Noes, 10.
The Colonial Secretary.	Mr. Hughes.
The Advocate-General.	Mr. Reynolds.
The Surveyor-General.	Mr. Dutton.
The Colonial Treasurer.	Mr. Peacock.
Mr. Angas.	Mr. Blyth.
Mr. Hart.	Mr. Younghusband.
Mr. Davenport.	Mr. Watts.
Mr. Baker (Teller).	Mr. Scott.
	Mr. Bagot.
	Mr. Kingston (Teller).

To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the Chairman reported progress, and obtained leave to sit again to-morrow.

Thursday, December 20.

9. Constitution Bill:—On the Order of the Day for the consideration of this Bill in Committee being read, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Clause No. 34. postponed.

Clause D. read:

Amendment proposed.—That this clause be printed, and considered in Committee to-morrow.

Committee divided.

Ayes, 8.	Noes, 11.
Mr. Peacock.	The Colonial Secretary.
Mr. Younghusband.	The Advocate General.
Mr. Kingston.	The Surveyor General.
Mr. Dutton.	The Colonial Treasurer.
Mr. Hart.	Mr. Stirling.
Mr. Scott.	Mr. Reynolds.
Mr. Rankine.	Mr. Angas.
Mr. Baker (Teller).	Mr. Davenport.
	Mr. Bagot.
	Mr. Blyth.
	Mr. Hughes (Teller).

Clause D.—(providing that no orders, warrants, or appointments by Governor shall be valid, unless countersigned by Colonial Secretary)—read:

SOUTH AUSTRALIA.

Amendment proposed.—That Clause E. be substituted in lieu of Clause D.
Commtttee divided.

Ayes, 19.	Noes *Nil.*
The Colonial Secretary.	Mr. Baker (Teller).
The Advocate-General.	
The Surveyor-General.	
The Colonial Treasurer.	
Mr. Angas.	
Mr. Davenport.	
Mr. Peacock.	
Mr. Blyth.	
Mr. Baker.	
Mr. Dutton.	
Mr. Younghusband.	
Mr. Stirling.	
Mr. Reynolds.	
Mr. Scott.	
Mr. Bagot.	
Mr. Hughes.	
Mr. Kingston.	
Mr. Rankine.	
Mr. Hart (Teller).	

Clause E. agreed to, and ordered to stand No. 33.
Clause F. agreed to, and ordered to stand next after clause No. 33.
Clause G. agreed to, and ordered to stand next after clause F.
Clause H. agreed to, and ordered to stand next after clause G.
Clause No. 35. read:

To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the Chairman reported progress, and obtained leave to sit again in twenty minutes.

10. Adjournment of House:—On motion of Mr. Angas, Council adjourned at half-past seven o'clock, until ten minutes to eight o'clock.

11. Resumption of Council:—The Speaker resumed the chair at ten minutes to eight o'clock, pursuant to adjournment.

12. Constitution Bill:—The Order of the Day for the consideration of this Bill in Committee having been read, the Speaker left the Chair, and the Council again resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Clause No. 35. read:

Amendment proposed.—Page 8, Line 27, to strike out the words after "operation," commencing "or if," as far as the word "and" in the thirty-fourth line, and ending with the word "allowance."

Question.—That the words proposed to be struck out stand part of the clause.
Committee divided.

Ayes, 6.	Noes, 8.
Mr. Angas.	Mr. Reynolds.
Mr. Baker.	Mr. Blyth.
Mr. Davenport.	Mr. Hart.
Mr. Stirling.	Mr. Scott.
Mr. Kingston.	Mr. Peacock.
Mr. Hughes (Teller).	Mr. Bagot.
	Mr. Rankine.
	Mr. Dutton (Teller).

Clause No. 35. amended and agreed to.
Clauses No. 36. to No. 38. postponed.
Schedule A. postponed.
Schedule B. read:

Amendment proposed.—Under the item "Colonial Secretary," to strike out the sum of "five hundred and sixty-six pounds thirteen shillings and fourpence," and to insert the sum of "three hundred pounds" in lieu thereof.

Question.—That the sum of three hundred pounds be inserted.
Committee divided.

Ayes, 5.	Noes, 9.
Mr. Blyth.	Mr. Baker.
Mr. Reynolds.	Mr. Stirling.
Mr. Peacock	Mr. Rankine.
Mr. Scott.	Mr. Angas.
Mr. Bagot (Teller).	Mr. Dutton.
	Mr. Hughes.
	Mr. Davenport.
	Mr. Kingston.
	Mr. Hart (Teller).

Amendment proposed.—Under the item "Advocate-General" to strike out the sum of "five hundred pounds," and to insert the sum of "two hundred and fifty pounds" in lieu thereof.

Question.—That the sum of two hundred and fifty pounds be inserted.

Committee divided.

Ayes, 11.	Noes, 3.
Mr. Scott.	Mr. Rankine.
Mr. Peacock.	Mr. Hughes.
Mr. Angas.	Mr. Baker (Teller).
Mr. Blyth.	
Mr. Reynolds.	
Mr. Dutton.	
Mr. Bagot.	
Mr. Stirling.	
Mr. Hart.	
Mr. Davenport.	
Mr. Kingston (Teller).	

Amendment proposed.—Under the item "Commissioner of Crown Lands" to strike out the sum of two hundred and thirty-three pounds," and to insert the sum of "one hundred and seventy-five pounds" in lieu thereof.

Question.—That the sum of one hundred and seventy-five pounds be inserted.

Committee divided.

Ayes, 5.	Noes, 9.
Mr. Dutton.	Mr. Stirling.
Mr. Bagot.	Mr. Blyth.
Mr. Peacock.	Mr. Reynolds.
Mr. Baker.	Mr. Hughes.
Mr. Kingston (Teller).	Mr. Davenport.
	Mr. Rankine.
	Mr. Angas.
	Mr. Scott.
	Mr. Hart (Teller).

Schedule B. amended and agreed to.

To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the Chairman reported progress, and obtained leave to sit again to-morrow.

Ordered, That the consideration of the Constitution Bill in Committee do stand as Order of the Day No. 1. on notice paper for Friday, 21st December.

Friday, December 21.

3. Constitution Bill:—On the Order of the Day for the consideration of this Bill in Committee being read, the Speaker left the chair, and the Council resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Clause No. 29 recommitted, amended, and agreed to.

Clauses F, G, H, and E recommitted, amended, and agreed to.

Clause No. 8. read.

Question.—That this clause be recommitted.

Committee divided.

Ayes, 7.	Noes, 13.
Mr. Reynolds.	The Advocate-General.
Mr. Bagot.	The Surveyor-General.
Mr. Peacock.	The Colonial Treasurer.
Mr. Dutton.	Mr. Hart.
Mr. Scott.	Mr. Baker.
Mr. Blyth.	Mr. Younghusband.
Mr. Kingston (Teller).	Mr. Watts.
	Mr. Rankine.
	Mr. Davenport.
	Mr. Hughes.
	Mr. Stirling.
	Mr. Angas.
	The Colonial Secretary (Teller).

Clauses No. 1, No. 10, and No. 25. recommitted, amended, and agreed to.

Clause I. agreed to, and ordered to next after Clause H.

Clause No. 35. recommitted, amended, and agreed to.

Clause No. 36. amended and agreed to.

Clauses No. 37. and No. 38. agreed to.

Schedule A. read:

SOUTH AUSTRALIA.

Amendment proposed.—Under the item "Salary of First Judge" to strike out the sum of "1,700*l.*," and to insert the sum of "1,300*l.*" in lieu thereof.

Question.—That the sum proposed to be struck out stand part of the schedule.

Committee divided.

Ayes, 9.	Noes, 11.
The Colonial Secretary.	Mr. Peacock.
The Surveyor-General.	Mr. Dutton.
The Colonial Treasurer.	Mr. Watts.
Mr. Blyth.	Mr. Rankine.
Mr. Bagot.	Mr. Angas.
Mr. Stirling.	Mr. Baker.
Mr. Hughes.	Mr. Hart.
Mr. Davenport.	Mr. Younghusband.
The Advocate-General (Teller).	Mr. Scott.
	Mr. Reynolds.
	Mr. Kingston (Teller).

Amendment proposed.—Under the item "Salary of Colonial Secretary" to strike out the sum of "1,500*l.*," and to insert the sum of "1,300*l.*" in lieu thereof.

Question.—That the sum of 1,300*l.* be inserted.

Committee divided.

Ayes, 17.	Noes, 2.
The Colonial Secretary.	Mr. Rankine.
The Surveyor-General.	Mr. Watts (Teller).
The Colonial Treasurer.	
Mr. Baker.	
Mr. Kingston.	
Mr. Angas.	
Mr. Davenport.	
Mr. Stirling.	
Mr. Hart.	
Mr. Hughes.	
Mr. Younghusband.	
Mr. Blyth.	
Mr. Peacock.	
Mr. Scott.	
Mr. Dutton.	
Mr. Reynolds.	
The Advocate-General (Teller).	

Question.—That the item stand as amended.

Amendment proposed.—To strike out the sum of "1,300*l.*," and to insert "1,200*l.*" in lieu thereof.

Question.—That the sum of 1,300*l.* stand part of the schedule.

Committee divided.

Ayes, 11.	Noes, 9.
The Advocate-General.	Mr. Kingston.
The Colonial Treasurer.	Mr. Hughes.
The Surveyor-General.	Mr. Scott.
Mr. Baker.	Mr. Blyth.
Mr. Davenport.	Mr. Dutton.
Mr. Rankine.	Mr. Peacock.
Mr. Angas.	Mr. Reynolds.
Mr. Watts.	Mr. Bagot.
Mr. Younghusband.	Mr. Hart (Teller).
Mr. Stirling	
The Colonial Secretary (Teller).	

Amendment proposed.—Under the item "Salary of Colonial Treasurer" to strike out the sum of "1,000*l.*," and to insert "900*l.*" in lieu thereof.

Question.—That the sum of 900*l.* be inserted.

Committee divided.

Ayes, 10.	Noes, 9.
The Advocate-General.	Mr. Younghusband.
The Surveyor-General.	Mr. Hughes.
The Colonial Treasurer.	Mr. Kingston.
Mr. Stirling.	Mr. Scott.
Mr. Angas.	Mr. Bagot.
Mr. Watts.	Mr. Blyth.
Mr. Hart.	Mr. Peacock.
Mr. Davenport.	Mr. Dutton.
Mr. Reynolds.	Mr. Baker (Teller).
The Colonial Secretary (Teller).	

The item "Salary of Auditor-General" struck out.

Question—That the item "Salary of Auditor-General" be recommitted.

Committee divided.

Ayes, 12.	Noes, 6.
The Colonial Secretary.	Mr. Reynolds.
The Advocate-General.	Mr. Kingston.
The Surveyor-General.	Mr. Hughes.
The Colonial Treasurer.	Mr. Scott.
Mr. Younghusband.	Mr. Peacock.
Mr. Baker.	Mr. Blyth (Teller).
Mr. Bagot.	
Mr. Stirling.	
Mr. Davenport.	
Mr. Watts.	
Mr. Angas.	
Mr. Dutton (Teller).	

Schedule A amended and agreed to.

Clause No. 34 amended and agreed to.

Preamble agreed to.

Bill, as amended, to be reported.

The Speaker resumed the chair, and the Chairman reported that the Committee had gone through the Bill, and made amendments thereunto.

Ordered that the report be now received.

The Chairman reported the Bill accordingly; and the Bill, as amended, was ordered to be printed, and read a third time on Thursday next, 27th December.

Thursday, December 27.

4. Constitution Bill:—On the Order of the Day for the third reading of this Bill being read, the Colonial Secretary moved—That this Bill be now recommitted.

Question put and passed.

The Speaker then left the chair, and the Council resolved itself into a Committee of the whole for the further consideration of the Constitution Bill.

Clauses No. 1, No. 8, and No. 13 amended and agreed to.

To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the Chairman reported progress, and obtained leave to sit again on Friday, 28th December.

Friday, December 28.

2. Constitution Bill:—On the Order of the Day for the consideration of this Bill in Committee being read, the Speaker left the chair, and the Council resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Clauses No. 18, No. 26, and No. 29 amended and agreed to.

To report progress, and ask leave to sit again.

The Speaker resumed the chair, and the Chairman reported progress, and obtained leave to sit again in twenty minutes.

3. Adjournment of Council:—On motion of Mr. Peacock, Council adjourned at one o'clock, until twenty minutes past one o'clock.

4. Resumption of Council:—The Speaker resumed the chair at twenty minutes past one o'clock, pursuant to adjournment.

5. Constitution Bill:—The Order of the Day for the consideration of this Bill in Committee having been read, the Speaker left the chair, and the Council again resolved itself into a Committee of the whole.

[IN THE COMMITTEE.]

Clause No. 18 recommitted, amended, and agreed to.

Clause No 32. read:

Amendment proposed—Page 7, line 37, to strike out the words "Solicitor-General."

SOUTH AUSTRALIA.

Question—That the words proposed to be struck out stand part of the clause
Committee divided.

Ayes, 7.	Noes, 10.
The Speaker.	The Advocate-General.
Mr. Blyth.	Mr. Kingston.
Mr. Baker.	Mr. Reynolds.
Mr. Watts.	Mr. Dutton.
Mr. Angas.	Mr. Peacock.
Mr. Scott.	Mr. Stirling.
Mr. Bagot (Teller).	Mr. Hughes.
	Mr. Younghusband
	Mr. Davenport.
	The Colonial Secretary (Teller).

Question—That this clause stand as amended.

Amendment proposed—To strike out clause No. 32, and to insert the following in lieu thereof, viz.:—"After the first general election of the said Parliament, the following officers shall be officers of the Administration, and go out of office on the resignation of the Colonial Secretary, that is to say—the Colonial Secretary, Treasurer, Commissioner of Crown Lands and Emigration, Commissioner of Public Works, Attorney-General, and Solicitor-General—three of whom, at least, shall be members of the said Parliament and *ex officio* Members of the Council of Government: Provided always, that the three officers to be appointed from the members of the said Parliament shall be first chosen and be assenting parties to the appointment of the other Members of the said Administration."

Question—That the clause proposed to be struck out stand part of the Bill.
Committee divided.

Ayes, 13.	Noes, 4.
The Colonial Secretary.	The Speaker.
Mr. Bagot.	Mr. Angas.
Mr. Blyth.	Mr. Davenport.
Mr. Kingston.	Mr. Baker (Teller).
Mr. Dutton.	
Mr. Watts.	
Mr. Stirling.	
Mr. Scott.	
Mr. Younghusband.	
Mr. Reynolds.	
Mr. Hughes.	
Mr. Peacock.	
The Advocate-General (Teller).	

Clauses No. 32, No. 33, No. 38, and No. 39, amended and agreed to.
Clauses No. 29 recommitted, amended, and agreed to.
Clause K agreed to, and ordered to stand next after clause No. 41.
Schedules A and B amended and agreed to.

Bill, as amended, to be reported.

The Speaker resumed the chair, and the Chairman reported that the Committee had gone through the Bill, and made amendments thereunto.

Ordered that the report be now received.

The Chairman reported the Bill accordingly; and the Bill, as amended, was ordered to be printed.

The Colonial Secretary moved—That this Bill be read a third time on Wednesday, 2d January 1856.

Mr. Angas moved an amendment—That this Bill be read a third time on Monday, 31st December.

Question—That this Bill be read a third time on Monday, 31st December.
Council divided.

Ayes, 7.	Noes, 8.
The Colonial Secretary.	Mr. Blyth.
The Advocate-General.	Mr. Watts.
Mr. Kingston.	Mr. Bagot.
Mr. Davenport.	Mr. Reynolds.
Mr. MacDermott.	Mr. Hughes.
Mr. Angas.	Mr. Stirling.
Mr. Dutton (Teller).	Mr. Younghusband.
	Mr. Baker (Teller).

Ordered—That the Constitution Bill be read a third time on Wednesday, 2d January 1856.

Wednesday, January 2, 1856.

2. Constitution Bill:—On the Order of the Day for the third reading of this Bill being read, and the Chairman of Committees having certified that the fair print of this Bill was in accordance with the Bill as reported, with its amendments, it was read a third time.

Resolved—That this Bill do pass, and that the title be "*An Act to establish a Constitution for South Australia, and to grant a Civil List to Her Majesty.*"

Enclosure 3 in No. 3.

Encl. 3 in No. 3.

SIR, Victoria Square, December 31, 1855.

I HAVE the honour to report, for the information of his Excellency the Governor-in-Chief, upon the Act "To establish a Constitution for South Australia, and to grant a "Civil List to Her Majesty."

This Act in its main provisions has been passed under the powers contained in the 32d clause of the Act 13th & 14th Victoria, "For the better Government of Her "Majesty's Australian Colonies," and it is therefore not competent to his Excellency to assent to it, inasmuch as that clause expressly requires that all Acts passed under its authority shall be reserved for the signification of Her Majesty's pleasure.

The Act in question substitutes for the existing Legislative Council a Parliament, consisting of a Council and House of Representatives, to be called respectively the Legislative Council and House of Assembly, both elective; the one to be composed of 18 and the other of 36 members; defines the qualifications of Electors and of Members; fixes the duration of the House of Assembly at three years; and renders the Legislative Council permanent, though providing for the retirement at periods of four years of one third of its members; provides for the general conduct of the business of the two Houses; and confers upon the Legislature thus constituted the powers and functions of the existing Legislative Council. There is only one provision included within this branch of the subject to which I deem it needful to call particular attention, and that is, that aliens who have been naturalized or legally made denizens of the province, and who have resided within it for a period of five years, are made qualified to become Members of the Parliament.

In addition, however, to the provisions designed to accomplish the above object, and which are strictly within the powers given by the 32d section above referred to, there are other provisions, having for their object to provide for the establishment of responsible Government, which have been inserted under the general powers of Legislation vested in the present Legislative Council, which require notice.

These are—

1. The power of appointment to offices is no longer vested in Her Majesty, but is to be exercised by the Governor, with the advice and consent of the Executive Council.

2. The Commissions of the Judges are to be held during good behaviour, and they are made removable only in accordance with a vote of the Legislature.

3. Certain offices which are at present held during the pleasure of Her Majesty, who Herself appoints to them without any restriction of place or of qualification, are declared to be capable of being held (excepting for a certain limited period) only by persons who are Members of the Legislature, who are to be appointed by and are to be rendered liable to dismissal at the will of the Governor, without cause shown.

4. The persons for the time being holding these offices are declared to be *ex officio* members of the Executive Council.

5. The sanction of the Chief Secretary, as head of the responsible Ministry, evidenced by his signature, is made requisite to the validity of certain orders and of warrants for payment of money, appointments to and dismissals from office.

6. A Civil List is granted to Her Majesty in lieu of that secured by the Act 13th & 14th Victoria, and that Civil List includes pensions by way of compensation to the persons at present holding the offices, which, as above stated, are to be placed in the power of the Governor.

Of these provisions, one has been modified, and two have been inserted by the Legislative Council during the progress of the Bill. They all, however, bear upon the same subject, and have been framed with the one purpose of giving effect and security to that system of responsible government which it is the design and desire of his Excellency to introduce. Although the provisions are in some respects novel as substantive enactments, they embody no new constitutional principles, and scarcely affect the existing practice of Colonial Government; and, after full and careful consideration, I have the honour to report that, in my opinion, they do not exceed the powers of this Legislature, if assented to by Her Majesty, and that, consequently, there is no objection to the present Act in which they are contained being reserved by his Excellency for the signification of Her Majesty's pleasure.

As, however, there are two of these provisions with regard to which doubts have been especially suggested, I think it right to advert to these specifically. They are the provisions 4 and 5 above.

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With regard to the former of these, it is suggested that the Executive Council is a body already existing; known to the law; recognized by legislation; the right to appoint to which is by the constitution of the province vested exclusively in the Crown; and that, consequently, it would be an infringement of the prerogative to provide for the appointment of Members by any other authority. There is much apparent force in this suggestion; but it must be remembered, in the first place, that the constitution of South Australia is framed under the authority of an Act of Parliament, and may, consequently, without any violation of constitutional principles, be altered by the same or the like authority; in the second place, that, unless where expressly limited by its constituting Act, the Legislative Council possesses the same powers of legislation with regard to South Australia that the Imperial Parliament possesses with regard to the Empire at large, and that consequently it would seem clearly within its power, with the assent of Her Majesty, to affect even matters of prerogative within this province only; and, in the third place, that it is quite as much a part of the prerogative that Her Majesty should appoint the chief officers of the Crown, as that She should appoint the Members of the Executive Council; and as it appears to be conceded that it is within the power of the existing Legislature to vest the former of these in the Governor, so it would seem to be equally within its power to place the latter in the same hands.

With regard to the latter of these (No. 5.), the objection, as I understand it, is founded upon the terms of the Act 13th & 14th Victoria, which forbids the Colonial Legislature to authorize the payment of any part of Her Majesty's revenue within the province, unless by warrant, addressed to the Colonial Treasurer, under the hand of the Governor; and hence it has been argued that the provision which imposes another condition upon the payment of money, and upon orders involving public expenditure, not warranted by the terms of the Imperial Act, is repugnant and void. Such, at least, is the form which I understand the objection to assume. In reply, I would observe that the language of the Act 13th & 14th Victoria appears by direct implication to recognize a power in the Colonial Legislature to direct, not merely the objects to which the public revenues are to be appropriated, but also the manner in which their expenditure is to be authorized, and to leave it free to prescribe the mode as well as the objects, subject to the one limitation above specified. The provision in question does not contravene or evade the limitation. No money, part of Her Majesty's revenues, can be made payable excepting under the Governor's warrant; but a further signature is required for the security of the public of South Australia, whose contributions have furnished this revenue, and in order that there may be some one responsible to them for its expenditure; and I am of opinion that there is no such repugnancy between this provision and the clause in the Imperial Act as to render the former void.

It will in fact be seen that all the provisions intended to provide for responsible Government, as well those contained in the measure as introduced under the instructions of his Excellency as those originating with the Council, are in principle exposed to similar objections. All propose to limit the exercise of the Royal prerogative. The appointment to offices in general is no longer to be vested in Her Majesty, but in the Governor, who is to act in concurrence with the Executive Council. The Judges are to hold their office no longer, as at present, during Her Majesty's pleasure, but during good behaviour. The power of appointment to the chief office of the Crown is to be exercised by the Governor, and is restricted to persons who have been or who may be Members of the new Legislature, instead of being vested exclusively and unrestrictedly in the Crown.

But as all these are matters affecting the good government of the province, they are, it should seem, within the sphere of legislation within which the powers of this Council may be exercised. One limitation of or interference with the prerogative may be more likely than another to be regarded with disfavour by Her Majesty's advisers (upon which I offer no opinion), and upon this ground its introduction may peril the measure; but I can see, upon principle, no legal objection to the one to which the others are not equally liable.

I beg, therefore, again to state my opinion that there is no legal objection to his Excellency reserving this Act for the signification of Her Majesty's pleasure.

I have, &c.

(Signed) R. D. Hanson,
Advocate General.

No. 4.

No. 4.

Copy of a DESPATCH from Governor Sir R. G. Macdonnell to the Right Hon. H. Labouchere.

(No. 79.) Government House, Adelaide, April 7, 1856.

(Received July 7, 1856.)

(Answered No. 34, July 19, 1856, page 109.)

Sir,

Enclosures 1 and 2.

In transmitting herewith "An Act to provide for the Election of Members to serve in the Parliament of South Australia," to which I have assented

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on behalf of the Queen, I have the honour to refer you for many important particulars in connection with that Act to my Despatch* of the 4th January, transmitting the "Bill to establish a Constitution for South Australia."

* Page 65.

2. In that Despatch I mentioned that the proceedings at elections, and the division of the Colony into electoral districts, although for the sake of perspicuity and clearness inserted in a separate Act, must be regarded as forming a portion of the general constitution of the Province. I therefore felt it my duty then to draw attention to some of the principles intended to be established by the enclosed Act, including that of basing the Electoral Districts for the Assembly on numbers as far as possible, so that the thirty-six members of the Assembly might each as nearly as practicable represent the same number of electors.

3. This principle has since been carried out, as fairly as circumstances would permit, and the result is that which I anticipated in my despatch alluded to above, viz., out of thirty-six members the county of Adelaide may be regarded as returning twenty-two, or thereabouts, for the number cannot be given with perfect accuracy in consequence of the boundaries of some of the Electoral Districts extending beyond the limits of that county.

4. Of the above twenty-two members the city and port of Adelaide will return a total of eight, and thus I still consider my observations well-founded as to the impolicy of so palpably centralizing political power in the inhabitants of a small portion of the territory of a new country, whose resources are yet to be developed.

5. I enclose the report of the select committee appointed to report on the Electoral Districts, and which report has been entirely followed by the Legislature. It will be found to supply all necessary information in connexion with that branch of the subject. Enclosure 3.

6. The general provisions of the Act appear in other respects well adapted to effect the objects in view, if I except the attempt made in section 52 to exempt candidates for popular election, and who, moreover, are to be chosen by universal suffrage and the ballot, from the inconvenience of attending meetings of their constituents, soliciting votes, or even appearing at the hustings! This extraordinary effort to secure the ease and convenience of candidates for the Legislature, balking, as it does, the natural prepossession of electors in favour of open canvassing and speaking, as a passport to all popular assemblies, will probably not survive many sessions under the New Constitution, or, should it be continued, it will certainly be a very successful novelty in legislation.

7. It is scarcely to be expected that experience will not point out many practical improvements in the proposed mode of taking the votes by ballot (sections 29 and 30), the prevention of bribery (sections 47 to 53), and several other details of the enclosed Act; but there will be no difficulty in remodelling those details from time to time as the Governor can give his assent to any such emendations, without the necessity of reserving them for the approval of the Sovereign as would have been necessary had the provisions of the enclosed Act been incorporated with the Constitution Bill.

I have, &c.
(Signed) R. G. MACDONNELL,
Governor.

The Right Hon. H. Labouchere,
&c. &c. &c.

Enclosure 1 in No. 4. Encl. 1 in No. 4.

1855–6.

No. 10.

An Act to provide for the Election of Members to serve in the Parliament of South Australia. [ ].

Preamble.

WHEREAS an Act "To establish a Constitution for South Australia, and to grant a Civil List to Her Majesty," hath passed the Legislative Council of the Province of South Australia, whereby it is proposed to substitute for the present Legislative Council of the said Province a Parliament consisting of a Legislative Council and a House of Assembly, to be severally constituted and elected as therein mentioned, and such Act hath been reserved by the Governor for the signification of Her Majesty's pleasure: And whereas it is expedient to make provision for the issuing, executing, and returning the necessary Writs for the election of Members of the said Parliament, the appointing of Returning Officers, the taking of the votes, the place and time of elections, the completion and

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revision of the lists of persons entitled to vote, and for ensuring the orderly and efficient conduct of such elections, and also for determining the validity of disputed returns: Be it therefore enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Commencement of Act.

1. This Act, so far as regards all matters relating to the formation of the first Electoral Rolls for the several Electoral Districts and Divisions herein-after constituted, shall come into operation from and after the passing hereof; and, as regards all other matters, shall commence and come into operation so soon as the said Act "To establish a Constitution for South Australia, and to grant a Civil List to Her Majesty," shall commence and come into operation.

Province to form one Electoral District for Legislative Council, and seventeen for House of Assembly.

2. For the purpose of electing Members to the Legislative Council, the said Province shall form one Electoral District; and the several Electoral Districts specified in Schedule A. to this Act annexed shall form electoral divisions of such district; and for the purpose of electing Members to the House of Assembly the said Province shall be divided into seventeen Electoral Districts, which shall have the names and boundaries and shall return the number of Members specified in the Schedule A. to this Act annexed.

Appointment of Returning Officer.

3. The Governor shall appoint a fit and proper person to be the Returning Officer of each and every Electoral District; and in case of absence from the Province, death, sickness, or other cause disabling any Returning Officer from acting, it shall be lawful for the Governor at any time to appoint some other person to act in the stead of such Returning Officer; and every appointment of a Returning Officer made as aforesaid shall be good and valid until such appointment shall be cancelled, and some other person appointed to be Returning Officer; and every such Returning Officer may appoint such clerks, deputies, and other subordinate officers as may be necessary to carry this Act into execution.

Returning Officer for House of Assembly to be Deputy Returning Officer for Legislative Council.

4. The Returning Officer for each Electoral District named in Schedule A. shall be a Deputy Returning Officer for the same as an Electoral Division, for the election of Members to serve in the Legislative Council, and shall within such division have and exercise all the powers and perform the duties of a Returning Officer with regard to the formation and revision of lists of voters and claimants, and of the Electoral Roll, and of all matters relating or incident thereto, the appointment of voting places, and the appointment of clerks and deputies and other officers.

Voting places.

5. For each of the Electoral Districts and Divisions, there shall be within such district or division such voting places as shall be appointed by any Returning Officer as herein-after provided.

Notice to voters to be given by Returning Officer.

6. On or before the first day of the second calendar month after the passing of this Act, every Returning Officer for the Electoral Districts named in Schedule A. shall cause to be affixed in the most public and conspicuous situations within his district a notice according to the form of Schedule (B.) hereto annexed, requiring all persons resident within such district who may be entitled to vote in the election of Members to serve in the Legislative Council, and also a notice in the form of Schedule C. to this Act annexed, requiring all persons resident within the said district who may be entitled to vote in the election of Members to serve in the House of Assembly for such district, to deliver or transmit to such Returning Officer, on or before the twentieth day of such last-mentioned month, a notice of their claim as such voters, according to the form of the Schedule hereto annexed marked (D.), or to the like effect.

Electoral lists to be printed or fairly transcribed, and hung up.

7. The Returning Officer shall, on or before the first day of the month next following the publication of such notice, make out a list to be called the "Electoral List," according to the form of the Schedule hereto annexed marked E., of all persons resident within his district entitled to vote in elections for Members of the Legislative Council, and a like list of all persons resident within such district entitled to vote in elections for Members of the House of Assembly for his district, and shall sign such lists, and shall cause the same to be either printed or fairly and legibly transcribed, and hung up for the period of seven days ending on the ninth day of such last-mentioned month, at the Court House or place of meeting of the Local Court, if there be any such, and in such conspicuous places in the Electoral District to which the same relate as he shall think fit.

Claim of persons to have their names inserted on electoral lists.

8. Any person having made such claim as aforesaid whose name shall not have been inserted in any such Electoral List, and who shall claim to have his name inserted therein, shall, on or before the tenth day of such last-mentioned month, give notice thereof to the Returning Officer in the form of the Schedule to this Act annexed marked D., or to the like effect; and any person whose name shall have been inserted, or who shall claim to have his name inserted, in any such Electoral List, may object to any other person as not entitled to have his name retained therein; and any person so objecting shall, on or before the day so fixed as last aforesaid for giving notice of claims, give or cause to be given to the Returning Officer, and also to the person objected to, or leave at his place of abode, notice thereof in writing, according to the form in the Schedule to this Act annexed marked F., or to the like effect; and the said Returning Officer shall include the names of all persons so claiming to be inserted on each Electoral List in separate lists, according to the form in the Schedule to this Act annexed marked G., and the names of all persons objected to in separate lists, according to the form of

List of claimants.

List of persons objected to.

the Schedule to this Act annexed, marked H.; and shall cause copies of such several lists to be fixed on the outer doors or walls of the public or conspicuous buildings or places aforesaid, during the four days next preceding the holding of the first Court of Revision under the authority hereof; and the said Returning Officer shall likewise keep separate lists of the names of all persons so claiming as aforesaid, and also separate lists of the names of all persons so objected to as aforesaid, to be perused by any person without payment of any fee, at all reasonable hours during such four days (Sunday excepted), and shall allow any person desiring the same to take a copy of each of such lists, on payment of a sum of One Shilling for each copy so taken.

Courts for revision of Electoral Lists.

9. On some day between the twentieth and twenty-eighth day of such last-mentioned month, of which due notice shall be given, the nearest Special Magistrate (not being such Returning Officer), or such Special Magistrate as may be appointed for that purpose by the Governor and two Justices of the Peace for the said Province, shall at such place within each Electoral District as may be for that purpose appointed by Proclamation published in the South Australian Government Gazette, hold an open Court for the revision of such Electoral Lists, and may continue such Court by adjournment; and the Returning Officer shall, at the opening of the Court, produce the said Electoral Lists, and a copy of the lists of the persons so claiming, and of the persons so objected to, made out in the manner aforesaid; and all collectors of rates and others shall, on being thereto summoned, attend the Court, and shall answer upon oath all such questions as the Court may put to them or any of them touching any matter necessary for revising such Electoral Lists, or either of them; and the said Court shall insert in such lists respectively the name of every person who, having claimed, shall make proof to the satisfaction of the Court that he is entitled to be inserted therein, and shall retain on the said lists the names of all persons to whom no objection shall have been duly made, and shall also retain on the said lists the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself, or by some one on his behalf, in support of such objection; and when the name of any person inserted in any Electoral List shall have been duly objected to, and the person objecting shall appear by himself, or by some one on his behalf, in support of such objection, the Court shall require proof of the qualification of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the Court, the said Court shall expunge the name of every such person from the said list, and shall also expunge therefrom the name of every person who shall be proved to the Court to be dead, and shall correct any mistake or supply any omission which shall be proved to the Court to have been made in any such list, in respect of the name or place of abode of any person who shall be included therein, or in respect of the local description of his property, and the Magistrate presiding shall in open Court write his initials against the names struck out or inserted, and against any part of any list in which any mistake shall have been corrected, and shall sign his name to every page of the list so settled.

Revised lists to be kept by the Returning Officer.

Electoral Roll to be corrected.

10. The Returning Officer shall keep the Electoral Lists so revised and signed as aforesaid, and shall cause each of the same to be fairly and truly copied into an alphabetical list in a separate book to be by him provided for that purpose, leaving such spaces as may be necessary for any subsequent additions thereto, and shall cause each of such books to be completed within fourteen days from the holding of the first Court of Revision, and shall cause such books, together with the lists, to be preserved among the records of his office, and shall from time to time produce such book, and every future book into which the said Electoral Roll may from time to time be transcribed, at any Quarterly Court of Revision herein-after authorized to be held; and every such book shall, after the said Constitution Act shall have commenced and come into operation, be the roll of the electors of the Electoral District or Division to which the same relates; and shall also transmit a copy of such book, containing the names of persons entitled to vote at elections of Members to serve in the Legislative Council, to the Returning Officer for the said Province forming one Electoral District.

Claims to be inserted upon the Electoral Roll may be made at any time.

Objections.

List of claims and objections to be made out.

11. Any person whose name shall not appear in any Electoral Roll, and who shall claim to have his name inserted therein, may at any time give notice thereof to the Returning Officer, in the forms respectively of the Schedule to this Act annexed marked D., or to the like effect; and any person whose name shall have been inserted in any Electoral Roll may at any time object to any other person as not entitled to have his name retained therein; and any person so objecting shall give or cause to be given to the Returning Officer, and also to the person objected to, or leave at his place of abode, notice thereof in writing according to the form in the Schedule to this Act annexed marked F., or to the like effect; and the Returning Officer shall, fourteen days before the holding of every Quarterly Court of Revision, include the names of all persons so claiming to be inserted on the Electoral Roll in two lists, one for persons claiming to be placed on the roll of electors of Members to serve in the Legislative Council, and the other of persons claiming to be placed on the roll of electors of Members to serve in the House of Assembly, according to the form in the Schedule to this Act annexed marked G., and the names of all persons objected to in two lists as aforesaid, according to the form of the Schedule to this Act annexed marked H., and shall cause copies of such several lists to be fixed on the outer doors or walls of the public or conspicuous buildings or places aforesaid, during the eight days next preceding the

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holding of such Quarterly Court of Revision, as herein-after provided, and shall likewise keep separate lists of the names of all persons so claiming as aforesaid, and also of the names of all persons so objected to as aforesaid, to be perused by any person without payment of any fee at all reasonable hours during the eight days (Sunday excepted) next preceding the said Quarterly Court of Revision, and shall allow any person desiring the same to take a copy of each of such lists, on payment of a sum of One Shilling for each copy so taken.

Returning Officer may object to names upon Electoral Roll.

12. It shall be lawful for the Returning Officer to object to any person as not entitled to have his name retained on any Electoral Roll, giving or causing to be given such notice of objection as aforesaid, and he is hereby required so to object in the case of all persons whom he shall have reason to believe are not entitled to be retained on such roll.

Special Magistrate and two Justices to hold Quarterly Courts of Revision.

13. The nearest Special Magistrate, or such Special Magistrate as shall be for that purpose appointed by the Governor, and two Justices of the Peace for the said Province, shall once in every three calendar months hold an open Court within every Electoral District, for the purpose of revising the Electoral Rolls of such district and division; and such Court shall be held at such time and place as may be appointed by Proclamation in the South Australian Government Gazette: Provided that it shall be lawful for the Governor from time to time to alter the time and place for holding any of such Courts by Proclamation in the South Australian Government Gazette, published four weeks at the least before the day upon which such Court would otherwise be holden; and at every such Court the Returning Officer or his clerk shall produce the Electoral Rolls for such district and division respectively, and a copy of the lists of the persons so claiming and of the persons so objected to, made out in the manner aforesaid; and all collectors of rates and others shall, on being thereto summoned, attend the Court, and shall answer upon oath all such questions as the Court may put to them or any of them touching any matter necessary for revising the Electoral Rolls or either of them; and the said Court shall insert in such rolls respectively, the name of every person who, having duly claimed, shall be proved to the satisfaction of the Court to be entitled to be inserted therein, and shall retain thereon the names of all persons to whom no objection shall have been duly made, and shall also retain the name of every person who shall have been objected to, unless the person objecting shall appear by himself or by some one on his behalf in support of such objection; and when the name of any person shall have been duly objected to, and the person objecting shall appear by himself or by some one on his behalf in support of such objection, or whenever such objection shall have been made by the Returning Officer, the Court shall require proof of the qualification of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the Court, the said Court shall expunge the name of every such person from the said roll, and shall also expunge therefrom the name of every person who shall be proved to the Court to be dead, or to have become disqualified or incapacitated, and after every election of Members for the said Legislative Council, or of Members for the said House of Assembly, for such district, shall also expunge the names of every person who shall not have voted thereat, and who shall not, before the holding of such Court, have forwarded to the Returning Officer his claim to be retained in the said roll, and shall correct any mistake or supply any omission which shall be proved to the Court to have been made in any such Electoral Roll in respect of the name or place of abode of any person who shall be included therein, or in respect of the local description of his property.

Power of Courts of Revision.

14. Every Court of Revision or such Special Magistrate shall have power to require any person having the custody of any book containing any rate made for any such Electoral District or Division, or any part thereof, during that or the preceding year, to produce the said book, and allow the same to be inspected at any such Court, and shall have power to administer oaths or affirmations, as the case may be, to all persons who may be required or tendered to be examined; and any person who shall answer falsely to any lawful question put to him at such examination shall be liable to be prosecuted for perjury; and the Magistrate presiding shall in open Court write his initials against the names struck out or inserted, and against any part of the said rolls respectively in which any mistake shall have been corrected, and shall deliver the same to the Returning Officer.

Returning Officer to furnish copies of the Electoral Roll.

15. The Returning Officer or his clerk shall furnish copies of any Electoral Roll to all persons applying for the same, on payment of a reasonable price, not exceeding sixpence for every folio of seventy-two words, for each copy, and shall forward by post a copy of every such Electoral Roll to the Colonial Secretary, and shall also in like manner forward a copy of all corrections of such roll of electors for Members of the Legislative Council to the Returning Officer of the said Province forming one Electoral District.

Personal attendance of electors not necessary to prove qualification to vote, unless required by the Court.

16. No elector claiming to register his vote in any Electoral District or Division shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless required by the Court at which he shall apply to be registered to attend in person: Provided, however, that if such personal attendance be rendered requisite on the application of any party objecting as aforesaid, such party, if his objection be disallowed, shall defray such expenses as the Court shall award for claimants'

attendance, which expenses so awarded shall be recoverable in any Court of competent jurisdiction in which the party entitled thereto shall sue for the same.

Certificate to be granted to electors, and produced at elections.

17. Every person whose name shall be standing on the Electoral Roll of any Electoral District or Division shall be entitled to obtain from the Returning Officer of such District or Deputy Returning Officer of such Division respectively a certificate in the form in the Schedule to this Act annexed marked I.; and at every election such certificate shall be produced to the Returning Officer or Deputy Returning Officer, as the case may be, who shall mark thereon the day and place of voting of the elector named therein; and no person shall be allowed to vote at any election unless he shall produce such certificate to the Returning Officer or Deputy Returning Officer as aforesaid, nor unless it shall appear on the production of such certificate that the elector named therein hath been registered as a voter for the period of six months prior to such election.

Proviso in case of Returning Officers being candidates, or other deficiency of officers.

18. No candidate for election in any Electoral District shall be competent to act as a Returning Officer at such election: Provided further, that in the event of the inability or incompetence of any person appointed to act as Returning Officer or at any such Court, or to perform any office or duty in execution of this Act, the Governor may appoint such other persons as he may deem fit to perform any of the duties herein directed to be performed by such persons.

Governor may appoint persons to perform duties of Returning Officer in preparation of first roll.

19. It shall be lawful for the Governor, from and after the passing of this Act, from time to time to appoint fit and proper persons to perform the duties of Returning Officers for the several Electoral Districts and Divisions, so far as regards the formation of the said first Electoral Rolls; and every Act by such person done in pursuance of such such appointment shall have the like validity as though they had been respectively duly appointed Returning Officers under this Act.

Writs to be issued by the Governor, and to be returnable to him.

20. Writs for the election of Members to serve in the said Legislative Council and House of Assembly respectively shall be issued by the Governor, directed to the Returning Officer of each Electoral District, in which writs shall be named the day of nomination for such elections, and, in the event of such elections being contested, the day for taking the votes at the different voting places, and also the day on which such writs shall be made returnable to the said Governor: Provided always, that no such writs shall be dated or issued less than sixteen nor more than forty-two days previous to the days respectively named therein for the nomination for such election.

Writs issued to supply vacancies only on warrant of Speaker.

21. All writs directed to be caused to be issued by the President or Speaker, for the purpose of electing a Member to fill any seat in the Legislative Council or House of Assembly, vacant by the death, resignation, acceptance of office, or other incapacity of any Member, shall be issued by the Governor only upon the receipt from the President or Speaker of the said Legislative Council or House of Assembly respectively of a notification of such vacancy.

Form of writs.

22. All writs to be issued for the election of Members of the said Parliament under this Act shall be framed in any manner and form which may be necessary and sufficient fer carrying the provisions hereof into effect.

Returning Officer and Deputy Returning Officer for Legislative Council to give notice of writs, &c.

23. Upon the receipt of any writ for the election of Members to serve in the said Legislative Council, the Returning Officer shall endorse thereon the day of receiving the same, and shall, within two days from the receipt thereof, forward a copy thereof to the Deputy Returning Officer for each division of his district; and every Deputy Returning Officer shall, upon the receipt of such copy, endorse thereon the day of receiving the same, and shall, within seven days from the receipt of such copy, give the like notices, and affix the same, together with a copy of the Electoral Roll for the said division, in the like manner and upon the same places as are herein-after directed and prescribed with regard to writs for the election of Members to serve in the House of Assembly.

Returning Officer for House of Assembly to give notice of day of nomination and of Court of Revision.

24 Upon the receipt of any writ for the election of Members to serve in the House of Assembly, the Returning Officer shall endorse thereon the day of receiving the same, and shall, within seven days from the receipt thereof, give notice thereof and of the day of nomination and of taking votes fixed therein, and of the chief voting place and other voting places, if any, for taking the votes at such elections, and shall affix such notice on the outer door of the Court House or place of holding the Local Court, if there be any such, and on the outer door of the place of meeting of the District Councils, if there be any such, and upon all post offices, and in such other public and conspicuous places within the district as he shall think fit.

Booths may be erected or hired for taking votes.

25. At every election, the Returning Officer, if it shall appear to him expedient for taking the votes at such election, may cause booths to be erected, or rooms to be hired and used as such booths, in one place or in several places, not being a house licensed for the sale of wine, beer, or spirituous liquors, or within one hundred yards of the same, at each voting place, as occasion may require; and the same shall be so divided and allotted into compartments as to the Returning Officer shall seem most convenient; and the Returning officer shall appoint a Clerk to take the votes at each compartment, and shall before the day fixed for taking of votes, if there be a contest, cause to be furnished for the use of each booth or voting place a copy of the Electoral Roll of the district or division, and shall under his hand certify such copy to be a true copy.

Returning Officer to preside, and appoint deputies to preside, at the voting places.

26. The Returning Officer of each Electoral District shall preside at the election within his District or Division, and may appoint a deputy to act for him and take the

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votes at each voting place; provided that such deputy be appointed by writing under the hand of the said Returning Officer.

Adjournment of nomination or of voting in case of riot.

27. Where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, whether such proceeding shall consist of the nomination of candidates or of the taking the votes, the Returning Officer or the deputy of any Returning Officer shall not for such cause terminate the business of such nomination, nor finally close the voting, but shall adjourn the nomination or the taking the votes at the particular voting place at which such interruption or obstruction shall have happened until the following day, and, if necessary, shall further adjourn such nomination or voting, as the case may be, until such interruption or obstruction shall have ceased, when the Returning Officer or his deputy shall again proceed with the business of the nomination or with the taking the votes, as the case may be, at the place at which the same respectively may have been interrupted or obstructed; and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the election, and the commencement of the voting shall be regulated accordingly; and any day whereon the voting shall have been so adjourned shall not as to such place be reckoned the day of taking of votes at such election within the meaning hereof; and whenever the voting shall have been so adjourned by any deputy of any Returning Officer, such deputy shall forthwith give notice of such adjournment to the Returning Officer, who shall not finally declare the state of the voting, or make Proclamation of the Member chosen, until the voting so adjourned at such place shall have been finally closed, and the boxes containing the votes delivered or transmitted to such Returning Officer.

Mode of nomination.

28. It shall be lawful for any two electors of any Electoral District, before or at the time fixed for nomination, to address and forward or deliver to the Returning Officer of such district a letter, signed by such two electors, as proposer and seconder of a person to be therein named as a candidate to represent the district, the person also proposed as a candidate signifying his assent in writing to act if elected; and on the day of nomination named in the writ the Returning Officer shall attend at noon at the chief voting place of the electoral district, and shall then open the letters so addressed to him; and if there shall not be a greater number of candidates so proposed and seconded and consenting as aforesaid, than are by such writ required to be elected, the Returning Officer shall declare such candidate or candidates to be duly elected, and make his return accordingly; and in the event of there being more candidates so proposed and seconded, and consenting as aforesaid, than are by such writ required, the Returning Officer shall give notice at such chief voting place of the names of the candidates, and of the persons by whom they have been proposed and seconded, and the voting shall commence at the different voting-places for the district as nearly as may be at nine o'clock in the forenoon of the day appointed in the writ for taking the vote, and shall cease at four o'clock in the afternoon.

Elections to be before Returning Officers and their deputies.

Hours when elections shall commence and terminate.

Manner of voting.

29. The election of Members of the Legislative Council and House of Assembly at each voting place shall be held before the Returning Officer or his deputy, and the voting at every such election shall commence at nine o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, and shall be conducted in manner following; that is to say, every elector entitled to vote and who shall vote in the election of Members of the Legislative Council or House of Assembly, as the case may be, shall be furnished by the Returning Officer or his deputy with a white printed voting paper, marked with the initials of the Returning Officer or his deputy, containing the Christian name and surname of each candidate, and no other matter or thing; and there shall be provided separate apartments or places forming part of the polling booth, into which the voter shall immediately retire, and there, alone, and in private, without interruption, obliterate the name of the candidate or candidates for whom he does not intend to vote; and shall then fold the same paper, and immediately deliver it, so folded, to the Returning Officer or to his deputy, who shall forthwith publicly, and without opening the same, deposit it in a box to be provided for that purpose; and no voting paper so deposited in any box shall on any account be taken therefrom, unless in the presence of scrutineers, after the close of the election; provided that no voting paper shall be received unless it be so folded so as to render it impossible for the Returning Officer or any other person to see for what candidate or candidates the vote is given; and any voter wilfully infringing any of the provisions of this clause, or obstructing the voting by any unnecessary delay in performing any act within the polling booth or room, shall be deemed guilty of a misdemeanor.

No inquiry of a voter, except as to his identity, whether he has voted before on the same election, and as to qualification.

Form of questions to be put as to these points.

30. No inquiry shall be permitted at any election as to the right of any person to vote, except only as follows; that is to say, the Returning Officer or his deputy shall, if required by any two electors entitled to vote in the same Electoral District, put to any voter, at the time of his tendering his vote, and not afterwards, the following questions or any of them, and no other:—

First.—Are you the person whose name appears as A.B. in the Electoral Roll now in force for this Electoral District [or Division, being registered therein for property described to be situated in (here specify the street or place described in the Electoral Roll)?]

Second.—Have you already voted at the present election?

Third.—Had you, at the time of being registered, the qualification for which your name now stands in the Electoral Roll for the district of (specifying in each case the particulars of the qualification as described in the Electoral Roll), and are you still possessed of the same qualification? [or as the case may be. Are you of the age of twenty-one years, and did you at the time of being registered, and do you still reside within the district of ?]

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same; and if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be deemed guilty of a misdemeanor, and may be indicted and punished accordingly.

Punishment for false answer.

31. Each Deputy Returning Officer shall immediately on the close of the voting publicly close and seal the box containing the voting papers which have been taken at the voting place whereat he presided, and shall with the least delay possible deliver or cause the same to be delivered to the Returning Officer of the Electoral District, or to the Deputy Returning Officer for the Electoral Division, as the case may be: And in cases of elections of Members to serve in the Legislative Council the Deputy Returning Officers for each division shall, with the least delay possible, deliver or cause to be delivered the whole of such boxes to the Returning Officer for the said Province.

Deputies to seal box and voting papers, and deliver them forthwith to Returning Officers.

32. The Returning Officer of each Electoral District shall at the place of nomination, and as soon as may be practicable after the election shall have been held, in the presence of two or more scrutineers, whereof each candidate shall name one, open all the boxes containing the voting papers delivered in at such election, and shall examine the same, and shall reject all voting papers which shall contain the names of more persons than are required to be elected at any such election, or shall contain any matter or thing other than such names, and shall openly declare the general state of the votes at the close of the election, as the same shall have been made up by him from the voting papers taken at the several voting places, and he shall at the same time and place declare the name of the person or persons who may have been duly elected at such election; and in the event of the number of votes being found to have been equal for any two or more candidates he shall by his casting vote decide which of the same candidates shall be elected: Provided, however, that no Returning Officer shall vote at any election for the Electoral District of which he is the Returning Officer, except in case of an equality of votes as aforesaid: Provided also, that it shall and may be lawful for the deputy of any Returning Officer to vote at any election for the Electoral District, in like manner as if he had not been appointed and acted as such deputy.

Names of persons elected to be declared by Returning Officer.

Returning Officer not to vote, except in case of equality of votes.

33. The name of the person or persons so elected shall be inserted in or endorsed on the writ by the Returning Officer, and the writ returned to the Governor within the time by which the same may be returnable.

Return of writs with names of elected persons endorsed thereon.

34. All voting papers shall be destroyed by the Returning Officer forthwith after the declaration of the names of the persons duly elected.

Voting papers to be destroyed by the Returning Officer.

And whereas it is expedient and necessary to provide a Court for the trial of any complaints which may be made against the validity of any returns made by the Returning Officers of the several Electoral Districts hereby created: Be it enacted as follows:

35. For the purpose of forming such Court the Legislative Council, within one week after its first meeting, and thereafter within one week after its first meeting subsequent to each election, to supply the place of Members who shall retire by rotation, and the House of Assembly, within one week after the first meeting subsequent to every general election, shall elect, each out of its own body respectively, four persons to be Members of the said Court, and the junior or the sole acting Judge of the Supreme Court shall be the President of such Court.

Formation of court for trial of complaints against the validity of returns by Returning Officer.

36. If the said Legislative Council or House of Assembly shall fail to elect the said four Members of the said Court within the said one week, such four Members may be nominated at any time afterwards by the President or Speaker, as the case may be; and if any Member shall be incapacitated to attend a meeting of the Court by reason of death, sickness, or any other impediment, his place shall be supplied by a person nominated for that purpose by the Legislative Council or House of Assembly respectively, or in default of such nomination for the period of one week, by the President or Speaker.

Governor to appoint Members of Court if Legislative Council or House of Assembly fail to elect.

Nomination of Members of Court to supply vacancies.

37. The record of the election or nomination of the said Members of the said Courts respectively shall be entered by the Clerk of the Legislative Council or House of Assembly on the proceedings of the Houses; and proof of such entry having been made shall be sufficient authority for the proper constitution of such Courts.

Record of nomination of Members to be proof of proper constitution of Courts.

38. The said Courts respectively shall not proceed to any business unless convened by order of the Legislative Council or House of Assembly, nor until each Member thereof shall take the following oath or affirmation, as the case may be, which shall be administered by the President to each of the Members, and afterwards by any Member to the President:—

Courts not to proceed to business unless convened by the Legislative Council or House of Assembly.

"I A.B. do swear (or affirm, as the case may be), that I will duly administer justice "in all matters which may be brought before this Court, and that I will decide in all "such matters according to the principles of good faith and equity, without partiality, "favour, or affection, and according to the best of my understanding.

"So help me GOD."

Oath to be taken by Members of the Courts.

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Powers of Courts.

39. The Courts thus constituted shall have power to inquire into all cases which may be brought before each Court by the House by which it shall have been appointed, respecting disputed returns of Members to serve in the said House, whether such disputes arise out of an alleged error in the return of the Returning Officer, or out of the allegation of bribery or corruption against any person concerned in any election, or out of any other allegation calculated to affect the validity of the return.

Courts to be guided only by the real justice and good conscience of each case.

40. In the trial of any complaints as aforesaid, the Members of the said Courts shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence that they can procure or that is laid before them, whether the same be such evidence as the law would require in other cases or not.

Court may regulate the form of its own proceedings.

Decisions to be given within five days, and to be final, without appeal.

41. Each of the said Courts shall be an open Court, and shall have power to adjourn its sitting from time to time, as in its discretion it may think proper, provided that the interval of adjournment shall not in any instance exceed four days, and shall be competent to regulate the form of its own proceedings; but such proceedings shall in no one case extend beyond the period of five sitting days, unless by leave of the House by which it shall have been appointed; and that if no decision be adopted by a majority within five sitting days, or any enlarged period as aforesaid, the President of the Court shall, on such evidence as may then be before the Court, pronounce a decision; and that every decision, whether so pronounced by the President or by the Court, shall be final and conclusive, without appeal.

Inquiries by Court to be restricted to identity of voters and propriety of admission or rejection of votes.

42. The said Courts shall not have power to inquire into the correctness of any Electoral Roll, or into the qualifications of persons whose votes may on the day of election have been either admitted or rejected, but simply into the identity of the persons, and whether their votes were improperly admitted or rejected, assuming the roll to be correct.

Costs may be awarded.

43. It shall be lawful for the said Courts respectively to award to the party petitioning, or to the candidate against whom the petition shall have been presented, such reasonable costs and expenses as such Court may deem fit; and such costs and expenses, when awarded under the hand of the President, shall be recoverable by action of debt from the party by such award made liable to pay the same.

Complaints of undue returns to be by petition to the Legislative Council or House of Assembly.

44. All complaints of the undue return of Members to serve in the said Legislative Council or House of Assembly shall be addressed in the form of a petition to the said Legislative Council and House of Assembly respectively; and no petition shall be noticed nor any proceedings had thereon unless it shall have been so presented by a person who was a candidate at the election whereof it may be alleged that an undue return has been made, or by a number of persons who either voted or were qualified to have voted at the said election, amounting to not less than one-tenth of the whole number on the roll of electors; and no petition shall be noticed which shall not be presented within twenty-one days from the day of election, or one week from the meeting of Parliament, which shall last happen.

Petition to be referred to Court.

45. Any such petition shall, within ten days after the same shall have been duly received, be referred to the Court above mentioned, appointed by the House to which the said petition shall be addressed.

Proceedings of Courts on petitions.

45. The said Courts respectively, in hearing and deciding on the merits of every such petition, shall be guided by the principles of good faith and equity, and shall receive or reject, at their discretion, any evidence that may be tendered to them, and shall have power to compel the attendance of witnesses and to examine them on oath; and if any such Court shall declare that any person was not duly elected who was returned as elected by the Returning Officer of any Electoral District, the person so declared to have been not duly elected shall cease to be a Member of the Legislative Council or House of Assembly, as the case may be; and if such Court shall declare any person to have been duly elected who was not returned by any Returning Officer, the person so declared to be duly elected shall be sworn a Member of the said Legislative Council or House of Assembly, as the case may be, and take his seat accordingly; and if such Court shall declare any election to have been absolutely void, the President or Speaker, on the same being certified to him by the President of the Court, shall forthwith cause to be issued a new writ for the holding of another election for such district.

And for the prevention of bribery and corruption: Be it enacted as follows:

What shall be deemed acts of bribery and corruption.

7 & 8 G. 4. c. 37. s. 2.

47. All and each of the following acts shall be deemed and taken to be acts or bribery and corruption on the part of any candidate, whether committed by such candidate or by any agent authorized to act for him; that is to say, the giving of money or any other article whatsoever, cockades included, to any elector, with a view to influence his vote, or the holding out to him any promise or expectation of profit, advancement, or enrichment in any shape, in order to influence his vote, or making use of any threat to any elector, or otherwise intimidating him in any manner with a view to influence his vote; the treating of any elector, or the supplying him with meat, drink, lodging, or horse or carriage hire, or conveyance by steam or otherwise, whilst at such election, or whilst engaged in coming to or going from such election; the payment to any elector of any sum of money for acting or joining in any procession during such election, or before or after the same; the keeping open or allowing to be kept open, any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of

any kind be distributed at such place of entertainment or not; the giving of any dinner, supper, breakfast, or other entertainment, at any place whatsoever, by a candidate, to any number of electors, with a view of influencing their votes.

Any of the above acts to disqualify.

48. The commission of any one of the above-mentioned acts shall, on proof thereof, by the decision of the above-mentioned Court, be held to render void the election of the person committing such act, and to disqualify him from sitting and voting in the said Parliament during the whole period that may intervene between the commission of the same and the time of the next periodical or general election.

Principals bound by acts of their agents.

49. The acts of all authorized agents of a candidate or member shall in matters connected with elections, be held to be the acts of their principal, provided that it shall be proved to the satisfaction of the above-mentioned Courts that such acts were committed with his knowledge or consent.

Acts of bribery and corruption by persons not being the authorized agents.

50. If any of the above-mentioned acts hereby declared to be acts of bribery and corruption shall be committed by any person not the authorized agent of any candidate or member, the person so committing or having committed them shall be deemed guilty of a misdemeanor, and may be indicted for such act as for a misdemeanor in the Supreme Court, and punished with fine not exceeding Two Hundred Pounds, or imprisonment not exceeding six calendar months, at the suit or on the plaint of Her Majesty's Attorney or Advocate-General, or of any registered elector of the district wherein such act of bribery or corruption shall be alleged to have been committed.

Penalty on Persons receiving or offering reward for voting or withholding vote.

51. If any person who shall have or claim to have any right to vote in any election of a Member of the Legislative Council or House of Assembly for any Electoral District shall directly or indirectly ask, receive, or take any money or other reward by way of gift, employment, or other reward whatsoever, for himself or for any of his family or kindred, to give his vote or to abstain from giving his vote in any such election, or if any person, by himself, his friends, or by any person employed by him, shall, by any gift or reward, or by any promise and agreement, or security for any gift or reward, procure any person to give his vote in any such election, or to abstain from giving the same, such offender shall for such offence forfeit the sum of Fifty Pounds sterling to the person who shall first sue for the same, to be recovered, with full costs, by action of debt, bill, plaint, or information, in the Supreme Court.

Candidate not to canvass personally or attend election meetings.

52. It shall not be lawful for any candidate for election as a Member of the said Legislative Council or House of Assembly to solicit personally the vote of any elector, or to attend any meeting of electors, convened or held for the purposes of election, after the issue of a writ for the election of a Member for any Electoral District, and before the return of any such writ; and the attendance of any candidate at any such meeting, or his personal solicitation of the vote of any elector, shall have the same effect as the acts of bribery and corruption herein-before mentioned.

No action against candidate for cost or expenses of election.

53. No action, suit, or other proceeding shall be maintainable in any Court of the said Province against any persons who may have been a candidate at any election for or in respect of any costs or expenses whatsoever in or about or relating to such election.

Punishment for voting twice, or personating voters.

54. Every person who shall vote a second time, or offer to vote a second time, at the same election, for any Electoral District, or who shall personate any other person for the purpose of voting at such election, shall be guilty of a misdemeanor, and upon being thereof convicted shall be imprisoned for any term not more than two years, at the discretion of the Court who shall try such person.

Remuneration to Returning Officers.

55. For the remuneration of the Returning Officers and Special Magistrate, there shall be paid to them, in respect to the several matters and things by this Act directed to be performed by them, the several sums mentioned in the Schedule K. to this Act annexed, and such payments shall be made by the Colonial Treasurer, in pursuance of warrants under the hand of the Governor.

Payment of other expenses incurred.

56. All necessary and reasonable expenses which shall be incurred by any Returning Officer or other person appointed under and by virtue of this Act, for the purpose of carrying into effect the several provisions hereof, and not otherwise provided for, shall, if allowed by the Governor, be paid and discharged out of the General Public Revenues of the said Province, by warrants under the hand of the Governor, directed to the Colonial Treasurer.

Provision in the event of impediments of a formal nature.

57. No election shall be held to be void in consequence solely of any delay in the holding of such election at the time appointed, or in the return of the writ, or the absence of the Returning Officer or any deputy, or any error on the part of any Returning Officer or deputy, which shall not affect the result of the election, or of any error or impediment of a mere formal nature, and within the period of twenty days before or after the day appointed for the holding of any election it shall be lawful for the said Governor, with the advice of the Executive Council, to extend the time allowed for the holding of such election, or for the return of the writ issued for the same, and to adopt or cause to be adopted such measures as may be necessary to remove any obstacle by which the due course of any election may be impeded, and to supply any deficiency that may otherwise affect the same; provided that any measures so adopted by the Governor, with the advice of the Executive Council, shall be duly notified in the South Australian Government Gazette.

Declarations to be made by officers before a Justice, and

58. Every person who may, under the provisions hereof, be appointed a Returning Officer or Deputy Returning Officer, shall, before he enters on the performance of any

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be transmitted to Colonial Secretary.

duty under the same, make and subscribe before a Justice of the Peace the following declaration; and the Justice before whom such declaration may be made is hereby required to transmit the same, by the first convenient opportunity, to the Chief Secretary of South Australia:

"I (A.B.) do hereby declare, that I accept the office of and I do "hereby promise and declare that I will faithfully perform the duties of the same, to the "best of my understanding and ability, and that I will not reveal or disclose any "knowledge that I may acquire in the discharge of my said office touching the vote of "any elector."

Penalty on officers refusing or neglecting duty.

59. If any Returning Officer or any Deputy Returning Officer, after having accepted office as such, shall neglect or refuse to perform any of the duties which by the provisions hereof he is required to perform, every such Returning Officer or Deputy Returning Officer shall for every such offence forfeit and pay any sum not less than ten nor exceeding Two Hundred Pounds; and in like manner, if any clerk or other officer or person appointed under or by virtue of this Act shall neglect or refuse to perform any of the duties which by the provisions hereof he is required to perform, every such clerk or other officer or person shall for every such offence forfeit and pay any sum not less than Five and not exceeding Fifty Pounds.

Recovery and application of penalties.

60. The respective penalties before mentioned shall be recovered, with full costs of suit, by any person who shall sue for the same within three calendar months after the commission of such offence, by action in the Supreme Court of the said Province; and the money so recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows; that is to say, one moiety thereof to the person so suing, and the other moiety thereof to Her Majesty, for the public uses of the Province and support of the Government thereof.

Appointments to be made with advice and consent of Executive Council.

61. All appointments herein-before authorized to be made by the Governor after this Act shall have wholly come into operation shall be made with the advice and consent of the Executive Council.

Where matters to be done fall on a holiday.

62. When any matter or thing shall be hereby directed to be performed on a certain day, and that day happen to be Sunday, Good Friday, Christmas Day, or other public holiday, the said matter or thing may be performed on the next succeeding day.

Repeal of Ordinance No. 1, 1851.

63. An Ordinance No. 1, 1851, "To establish the Legislative Council of South "Australia, and to provide for the election of members to serve in the same," shall be and the same is hereby repealed.

Short title.

64. In referring to this Act it shall be sufficient to make use of the expression "The Electoral Act."

J. H. Fisher,
Speaker.

Passed the Legislative Council, this twelfth day of March one thousand eight hundred and fifty-six.

F. C. Singleton,
Clerk of the Legislative Council.

In the name and on behalf of the Queen, I hereby assent to this Act,

Richard Graves Macdonnell,
Governor.

2d April 1854.

SCHEDULES REFERRED TO.

A.

Boundaries of Electoral Districts.

Members for each District.

No. 1. City of Adelaide.—Composing the whole of North and South Adelaide, and the Park Lands bounding the same - - - Six Members.

No. 2. Port Adelaide.—Bounded on the south by a line commencing at a point on the sea coast due west of the north-west angle of Section 1006 Hundred of Yatala; thence easterly, along the north boundary of same Section, to the Port Adelaide Creek; thence northerly, along centre of said creek, to a point opposite the south-west angle of Section 929; thence easterly by the south boundaries of Sections 929 and 924; northerly by the road between Sections 924 and 2073 to the north-west angle of the latter Section; south-easterly in a straight line to the southern angle of Section 418; easterly by the south boundary of Section 417; northerly by the east boundary of Section 417 to the Port Road; south easterly to the southern angle of Section 405; north-easterly by the boundary between Sections 405 and 398; north-westerly by the road to the southern angle of Section 422, and northerly by the east boundary of the said Section; thence easterly by the road to the north-east corner of Section 360; thence northerly by the road to the Gawler River, between Sections 7568 and 7569, in the Hundreds of Port Adelaide and Munno Para respectively; thence westerly along the

	Members for each District.
centre of the River Gawler to a point where it cuts the dividing line of Sections 7523 and 7513; thence west, by the south boundary of 7523, 7522, and 7521, to a point where the Gawler River cuts the boundary between Sections 7500 and 7510; thence by the centre of the aforesaid River Gawler to the sea at Port Gawler; thence southerly by the sea coast to the point of commencement; together with the whole of Yorke's Peninsula lying south of a line from Port Wakefield to Point Riley - - - - - - -	Two Members.
No. 3. West Torrens.—Bounded on the west by the sea coast, between the Bay Road and the north-west angle of Section 1006; thence by the District of Port Adelaide as far as the north-east corner of Section 360; thence south by the North Road to the Park Lands, between Sections 2064 and 464; thence west-south-west and south, by the north-north-west and west boundaries of the Park Lands, to their south-west angle; thence south-westerly and westerly by the Bay Road to the sea coast, at the point of commencement - -	Two Members.
No. 4. Yatala.—Bounded on the west by the District of Port Adelaide; on the north by the centre of the Gawler River; on the east by the South Para and its south branch, to its intersection with the road running through Section 1685, Hundred of Para Wirra, thence by the road running southerly to the Little Para River; on the south by the said river to the centre of the road between 2136 and 2144; thence, along centre of said road, to the south-east angle of 3045; thence southerly to the north-east angle of 3302; thence south by a straight line to the east boundary of 1566, at its point of intersection with the Dry Creek; thence along the said creek to its intersection with the east boundary of Section 313; thence southerly, in a straight line, to the south-east angle of 504; thence across the road; thence, along the northern boundary of 508, easterly, to its north-east angle; thence south, along the east side of said section, to the centre of the River Torrens; thence westerly, by the centre of the said River Torrens, to its point of intersection with the eastern boundary of the Park Lands; thence northerly and westerly, by the boundary of the Park Lands, to the point of commencement - - - -	Two Members.
No. 5. Gumeracka.—Bounded on the west by the east boundary of the District of Yatala; on the south by the centre of the River Torrens, between east side of Preliminary Section 508 and Section 5521, Hundred of Para Wirra, by Kangaroo Creek to the Stringy-bark Trigonometrical Station, by the Range to Mount Torrens, and by the spur of the said Mount Torrens to the Main Range, and by the north boundaries of the Hundreds of Kanmantoo and Monarto; on the east by a straight line from the north-east angle of the Hundred of Monarto to the south-east angle of the Reedy Creek Survey, Section 960; thence to the north-east angle of the said Survey; thence due north to the County boundary between Sturt and Eyre; thence west to Keyne's Hill Trigonometrical Station; thence westerly, by the north boundary of the County of Sturt, to its north-west angle; thence, by a line in a south-westerly direction to a point where the South Para River enters the north boundary of Section 669 in the Barossa Special Survey; thence, following the course of the South Para River generally, in a westerly direction, to the point of commencement - -	Two Members.
No. 6. East Torrens.—Bounded on the south by the main South-eastern Road, commencing at the point of intersection of the north side of said road with the south boundary of the Park Lands, and continuing by the said road to the boundary between the Hundreds of Adelaide and Onkaparinga; thence northerly by the said boundary to the Torrens; thence westerly by the centre of the River Torens to its intersection with the eastern boundary of the Park Lands; thence southerly and westerly by the eastern and southern boundaries of the Park Lands, to the point of commencement - - - - -	Two Members.
No. 7. The Sturt.—Bounded by a line commencing at the south-west angle of the Park Lands; thence in an easterly direction by the south boundary line of the Park Lands to the main South-eastern Road; thence by the south-west side of the said road to the boundary between the Hundreds of Adelaide and Noarlunga; thence westerly by the boundary between the Hundreds of Adelaide and Noarlunga to its intersection with the north boundary of Section 81; thence westerly to the South Road, passing through Section 123, Hundred of Noarlunga; thence southerly by the South Road to its intersection with the north boundary of Section 524; thence westerly to the road along the east side of Section 572; thence northerly to its north-eastern angle; thence westerly by the boundary between Sections 569 and 572 to the sea coast; thence north, by Sea Coast to the Bay Road; thence by the Bay Road to the point of commencement - - - - - -	Two Members.

SOUTH AUSTRALIA.

Members for each District.

No. 8. NOARLUNGA.—Bounded on the north by the southern boundary of the District of the Sturt, and by the main South-eastern Road, from the east angle of the last-named District to the Onkaparinga River; and on the west by the sea coast; on the east by the centre of the Onkaparinga River, from Section 3816 to the crossing of a road which forms the south boundary of Section No. 820, and the north boundary of Section No. 834; thence along the centre of this road to the south-west corner of Section No. 821; thence by a direct line, following a direction nearly south-east, to a trigonometrical station known as Wickham's Hill; thence following the summit of the range about south-west, passing by another trigonometrical station, M'Leod's Hill, and crossing the Encounter Bay Road at the summit level above Willunga; thence continuing along the same range, passing Mount Terrible; and thence following that feature of the range which terminates at the south-west corner of Section No. 674. - - - Two Members.

No. 9. MOUNT BARKER.—Bounded on the east by the River Bremer, commencing at its outlet into Lake Alexandrina; thence northerly by the centre of the said river to its junction with the Mount Barker Creek; thence following the centre of said creek to a point due south of Mount Barker Trigonometrical Station; thence north by a straight line to Mount Barker Trigonometrical Station; thence north-west along the main range to the north-west angle of Section 4411; thence along the range leading to Mount Magnificent south-westerly as far as the southern corner of Section 3827; thence north-westerly along the main South-eastern Road to its crossing of the River Onkaparinga; bounded on the west by the District of Noarlunga to that point of the summit of the Willunga Range cut by the Encounter Bay Road; thence easterly to Mount Magnificent, and southerly to the range between Mount Compass and Mount Observation; thence easterly along the most direct spur to Mount Observation; thence by the boundary of the Hundred of Ngankita and Kondoparinga to the north-west corner of Section 2363; thence by the centre of the Finniss River, following the south-west boundary of the Hundred of Alexandrina, to the county boundary of Hindmarsh and Sturt, near the east point of Hindmarsh Island; thence north-easterly to Point Sturt; thence northerly to the mouth of the River Bremer, the point of commencing. (This District comprises the Hundreds of Kondoparinga, Bremer, Alexandrina, Strathalbyn, Macclesfield, and Kuitpo.) - - - - Two Members.

No. 10. ONKAPARINGA.—Bounded on the west by the east boundary of the District of East Torrens; on the south, by the Districts of Noarlunga and Mount Barker; on the east, by a line in a southerly direction from Mount Beevor Trigonometrical Station to the north-east angle of Section 1789 (on the Bremer); thence, along the east and south boundaries of that Section, to the River Bremer; thence by the River Bremer, to its junction with the Mount Barker Creek; on the north by the District of Gumeracka - - - - - - Two Members.

No. 11. ENCOUNTER BAY.—Bounded on the south and north-west by the sea coast, from the sea-mouth of the Murray, to the south angle of the District of Noarlunga; bounded on the north and north-west by the Districts of Noarlunga and Mount Barker, to the southern angle of the last-named district; thence by the boundary between the counties of Hindmarsh and Sturt, passing the east side of Mundoo Island, to the point of commencement; together with the whole of Kangaroo Island and Troubridge Shoal - - - - - Two Members.

No. 12. BAROSSA.—Bounded on the north and west by the Moorundee Road, from the point where it crosses the main range between Hawker's Hill and Mount Despond to its intersection with the North Para River, between Sections 141 and 142, and by the north branch of the said river to its junction with the South Para River; on the south, by the South Para, and that branch of the river running through Section 669, Barossa Special Survey, and by a line thence north-easterly to the main range; thence east, by the north boundary of the County of Sturt, to the south-east angle of the Hundred of North Rhine, nine miles from the county boundary; thence due north, about fifteen and a half miles; thence due west, to Hawker's Hill Trigonometrical Station; thence southerly, by the main range, to the point of commencement. (This District comprises the Hundreds of Barossa, Moorooroo, and North Rhine, and the Town of Gawler.) - - - - Two Members.

No. 13. THE MURRAY. — Commencing at the sea mouth of the Murray; thence northerly by the east boundary of the Districts of Encounter Bay, Mount Barker, the Hundred of Kanmantoo; thence south-easterly, by the south boundary of the Hundred of Tungkillo; thence northerly, by the east boundaries of the Hundreds of Tungkillo and South Rhine; thence east, by the south boundary of the Hundred

	Members for each District.
of North Rhine; thence north, by the east boundary of the said Hundred; thence west, by the north boundary of the said Hundred; thence northerly, by the east boundary of the County of Light; bounded on the north by the south boundary of the County of Burra, and the northern limit of the Province; on the west, by a due north line from the great bend of the River Murray; on the east, by the eastern boundary of the Province, from its northern limit to a point due west of the southern angle of the County of Russell, in about latitude 36° 12′ south; thence west to the sea coast, at the south point of the County of Russell; thence north-west by the sea coast to the point of commencement - - - - - -	One Member.
No. 14. LIGHT.—Bounded on the west by the County of Gawler; on the north-west by the County of Stanley; on the north-east by the County of Burra; on the east by the County of Eyre; and on the south by the District of Barossa - - - - -	Two Members.
No. 15. VICTORIA.—Bounded on the north by the south boundary of the District of Murray; on the east by the east boundary of the Province, from about latitude 36° 12′ south to its southern limit; on the west and south-west by the sea coast - - - - -	One Member.
No. 16. THE BURRA AND CLARE.—Bounded on the south by the Districts of Yatala, Port Adelaide, and the Murray; on the west by Gulf St. Vincent, and by a line running due north from the mouth of the Wakefield to the River Broughton; on the north by the River Broughton and by the north boundary of the County of Burra; and on the east by the Districts of Murray and Light. This district comprises the whole of the Counties of Gawler, Stanley, and Burra - -	Three Members.
No. 17. FLINDERS.—Comprises the County of Flinders, and all those portions of the Province to the westward of the west coast of Spencer's Gulf, and all the remaining portions of the Province lying to the north of the Districts of Port Adelaide and the Burra and Clare, bounded on the east by the District of Murray, together with all islands being west of the meridian of Cape Jervis, with the exception of Kangaroo Island and Troubridge Shoal - - - - -	One Member.

B.

NOTICES BY THE DEPUTY RETURNING OFFICER.

I hereby give notice, that I shall, on or before the twentieth day of this month (or of the month of next), make out a list of all persons resident within the division entitled to vote in the election of a Member of the Legislative Council for the Province of South Australia; and every person so entitled is hereby required to deliver or transmit to me, on or before the said twentieth day of this (or of the said) month, a claim in writing, containing his Christian name and surname, place of abode, the nature of his qualification, and the name of the place and number of the sections wherein the property in respect of which he claims to vote is situate. Persons omitting to deliver or transmit such claim will be excluded from the register of voters for the said division.

C.

NOTICE BY THE RETURNING OFFICER.

I hereby give notice, that I shall, on or before the twentieth day of this month (or of the month of next), make out a list of all persons entitled to vote in the election of a Member of the House of Assembly to serve for the district of ; and every person so entitled is hereby required to deliver or transmit to me, on or before the said twentieth day of this (or of the said) month, a claim in writing, containing his Christian and surname, and place of abode. Persons omitting to deliver or transmit such claim will be excluded from the register of voters for such district.

D.

NOTICES OF CLAIM.

Legislative Council.

To the Deputy Returning Officer for the Division of .

I hereby give you notice, that I claim to have my name inserted in the electoral list (or electoral roll) for the division of in virtue of the property which I possess at (or of the dwelling-house which I occupy at or as the case may be).

Dated day of in the year 18 .

(Signed) JOHN STILES, of (place of abode).

SOUTH AUSTRALIA.

House of Assembly.

To the Returning Officer of the District of

I hereby give you notice, that I claim to have my name inserted in the electoral list (or electoral roll) in the district of .

Dated at day of 18 .

(Signed) JOHN STILES, (place of abode).

E.

LIST OF ELECTORS.

List of Electors for the Electoral Division of .

Christian name and surname of each person at full length.	Place of abode.	Nature of qualification.	Where the property affording the qualification is situated.

(Signed) A.B., Deputy Returning Officer.

Dated at this day of .

List of Electors for the Electoral District of .

Christian name and surname of each person at full length.	Place of abode.	Profession or occupation.

(Signed) A.B., Returning Officer.

Dated at day of .

F.

NOTICE OF OBJECTION.

To the Returning Officer of (and to the person objected to).

I hereby give you notice, that I object to the name of of (name and describe the person objected to as in the electoral list or roll) being retained on the electoral list (or roll) of the electoral district (or division) of

Dated this

(Signed) JOHN STILES, of (here state the place of abode or property for which he is or claims to be included in the electoral list or roll).

G.

LIST OF CLAIMANTS.

The following persons claim to have their names inserted in the electoral list (or roll) of the electoral division of .

Christian name and surname of each claimant.	Place of abode.	Nature of the property or qualification in respect of which he prefers his claim.	Place where the property or qualification is situated.

(Signed) A.B., Deputy Returning Officer.

Dated at this day of .

The following persons claim to have their names inserted in the electoral list (or roll) for the district of

Christian name and surname of each person at full length.	Place of abode.	Profession or occupation.

Dated at day of (Signed) A.B., Returning Officer.

H.

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to as not being entitled to have their names retained on the electoral list (or roll) for the electoral division of .

Christian name and surname of each person objected to.	Place of abode.	Nature of the property or qualification for which his name is on the electoral list.	Place where the property or qualification is situated.

Dated at this (Signed) A.B., Deputy Returning Officer. day of .

The following persons have been objected to as not entitled to have their names retained on the electoral list (or roll) for the electoral district of .

Christian name surname of each person at full length.	Place of abode.	Profession or occupation.

Dated at day of (Signed) A.B., Returning Officer. .

SCHEDULE I.

I, A.B., Returning Officer for the District of (or Deputy Returning Officer for the Division of), do hereby certify, that C.D. of was registered as a voter upon the electoral roll for such district (or division), on the day of [and that the said C.D. had been previously registered as an elector for the electoral district of].

(Signed) A.B.,
Returning Officer, or
Deputy Returning Officer.

SOUTH AUSTRALIA.

K.

	£	s.	d.
Travelling, for each day, in addition to a mileage of One Shilling per mile	1	1	0
Holding Court of Revision, for each day (one guinea to be paid to each Magistrate attending such Court) - - - - -	5	5	0
Clerk of Court of Revision, for each day - - - -	1	1	0
Receiving and entering claims, for each name - - - -	0	1	0
Making and copying lists, for the first copy, per each folio of seventy-two words - - - - - - - -	0	1	0
For the second, and each succeeding copy, per folio - - -	0	0	6
Attending at day of nomination and day of taking votes - -	2	2	0
Deputy Returning Officer taking votes - - - -	2	2	0
Voting Clerk - - - - - - -	1	1	0

Encl. 2 in No. 4.

Enclosure 2 in No. 4,

WITH reference to the Act No. 10. of 1855–6, "To provide for the Election of Members to serve in the Parliament of South Australia," I have the honour to report that there is not in my opinion any objection to its receiving the Assent of His Excellency in the name and on behalf of Her Majesty.

This Act is made dependent for its full operation upon the Royal Assent being given to the Act "To establish a constitution for South Australia, and to grant a Civil List to "Her Majesty," which has been reserved for the signification of Her Majesty's pleasure, and its provisions have been framed for the purpose of providing for the registration of voters, the machinery and details of elections, the trial of questions of disputed returns, and the other matters which it is necessary to regulate and authorize for the purpose of bringing that Act into complete effect. The provisions of this measure are analagous to those which have been already sanctioned by Her Majesty in the Ordinance No. 1. of 1851, and there are none which appear to me to call for particular notice.

17th March 1856. (Signed) J. W. HANSON, Advocate-General.

Encl. 3 in No. 4.

Enclosure 3 in No. 4.

REPORT of the SELECT COMMITTEE of the Legislative Council of South Australia, appointed to report upon the ELECTORAL DISTRICTS.

Extracts from Votes and Proceedings of Legislative Council.

19th February 1856.

3. Electoral Districts:—Mr. Kingston, pursuant to notice, moved—That a Select Committee be appointed to take into consideration the number of the Electoral Districts for the House of Assembly; the boundaries of such Districts, as proposed in the Schedule attached to the Electoral Law Bill; and to report to the House what alterations shall be made in the same.

Question put and passed; whereupon the Council proceeded to the ballot, and the following members were declared to have the greatest number of votes, and to be, with the mover (Mr. Kingston), the Committee duly appointed, viz.: The Surveyor-General, Mr. Forster, Mr. Baker, and Mr. Reynolds; to report on Tuesday, 4th March.

Your Committee have to state, that in preparing their report they have been guided by the principle which they understood was generally approved by the Council, viz., that the division of the Colony into Electoral Districts should, as far as practicable, be based on population.

It has been the endeavour of your Committee to carry out this principle; and they have, to the best of their judgment, so apportioned the country as to meet the actual circumstances of the population as shown by the last census, aided by such further information as was laid before them; and are of opinion that, for some years, the relative proportionate population of the proposed districts will not greatly differ from that now existing; but they would observe that, should such alteration occur, the Legislature has full power to provide against any inconveniences arising from changes in the population of the districts, whenever they happen.

Your Committee think it advisable that each district should, in all cases, if practicable, return not less than two members; thus, in their opinion, doing away with much of that personal antagonism and bitterness which arise when candidates are individually opposed to each other in contesting elections, when the constituencies only return one member. It also appears to them that this plan affords a better chance of adverse opinions being fairly represented; or, as is generally termed, of giving the minority a chance of being represented.

In proceeding to carry these views into practice, your Committee found that it would be impossible to act on them literally, and have, in this report, attempted only such an approximation as may, in their opinion, be most feasible under existing circumstances.

Reference to the statistical table annexed will best elucidate the difficulty of effecting an Electoral Division of the Colony strictly in accordance with both or either of the foregoing principles; thus, it will be seen, that North Adelaide, with an adult male population of 741, would only be entitled to one member, while South Adelaide, with an adult male population of 3,894, is entitled to six members—or, taking the population of all ages and sexes, North Adelaide would still be only entitled to one, while the proportion to which South Adelaide would be entitled is six. Had your Committee acted strictly on the principle of proportioning representation to population, the City of Adelaide is entitled to seven members; but, on mature consideration, it appeared to your Committee that the inhabitants of the City—being the seat of the Legislature, as well as the residence of a great majority of the representatives—would always have a fair proportionate weight in the Legislature, though not possessing the precise number of members to which its population theoretically entitles it; on the other hand, it did not appear just that North Adelaide should have two members to a male population of 741, while South Adelaide had only four to a population of 3894. On taking all these matters into consideration, and remembering that the local interests of the north and south districts of the City are protected by the Corporation, your Committee have deemed it best to recommend that the City of Adelaide should form one Electoral District, returning six members; and are of opinion that such members, as representatives of the City, elected by one constituency, will have more weight in Council than if representing wards or sections only of the City; and would refer, in elucidation of this opinion, to the example afforded by the members for the City of London.

In apportioning the country districts, the territorial position of the districts of Victoria, the Murray, and Flinders presented peculiar difficulties in the way of amalgamating them, either together or with any other district; while the population of the two latter falls much below the theoretical number entitled to claim one of the thirty-six members; but, after mature deliberation, your Committee have agreed to recommend that these districts should each return one member. The remainder of the Colony, with one exception, your Committee recommend being divided into districts, returning two members each. The exception to this rule is created by the difficulty presented by the existing Electoral Districts of the Burra, and Stanley and Gawler, both of which, while possessing a population entitling them to one member each, are some fifty per cent. below the number entitled to two members each. Under these circumstances, it appears to your Committee most advisable that these should form one Electoral District, returning three members. The boundaries of the Electoral Districts, as now proposed, are, in most instances, identical with those fixed by the Parliament Bill of 1853, some few alterations having been made with the view of equalizing the population, the redundant population of one district being added to make up for the deficiency of an adjoining one. In most of these instances it will be seen that the boundaries, as now altered, render the districts less complicated, being identical with existing territorial divisions.

In conclusion, your Committee would observe, that, while abandoning the attempt rigidly to carry out the principle of apportioning representation to population, the practical working of the scheme they recommend in no case varies from the theoretical number more than 55 per cent.; and they unanimously recommend the division of the Colony into seventeen Electoral Districts, as follows:—

One district to return six members	6
One district to return three members	3
Twelve districts to return two members each	24
Three districts to return one member each	3
	36

One district returning six members, to be named the City of Adelaide.

One district to return three members, to be named the Burra and Clare.

Twelve districts returning two each, to be named—

1. Port Adelaide.
2. Yatala.
3. West Torrens.
4. The Sturt.
5. Noarlunga.
6. Encounter Bay.
7. Onkaparinga.
8. East Torrens.
9. Mount Barker.
10. Gumeracka.
11. Barossa.
12. The Light.

Three districts returning one member each, to be named—

1. Victoria.
2. The Murray.
3. Flinders.

The annexed Schedule will point out the exact boundaries of the Electoral Districts, as now recommended by your Committee.

G. S. Kingston, Chairman.

SOUTH AUSTRALIA.

SCHEDULE REFERRED TO.

Boundaries of Electoral Districts.

Members for each District.

No. 1. City of Adelaide.—Composing the whole of North and South Adelaide, and the Park Lands bounding the same - - - Six Members.

No. 3. Port Adelaide.—Bounded on the south by a line commencing at a point on the sea coast due west of the north-west angle of Section 1006, Hundred of Yatala; thence easterly, along the north boundary of same Section, to the Port Adelaide Creek; thence northerly, along centre of said creek, to a point opposite the south-west angle of Section 929; thence easterly by the south boundaries of Sections 929 and 924; northerly by the road between Sections 924 and 442 to the south-west angle of the latter Section; south-easterly in a straight line to the southern angle of Section 418; easterly by the south boundary of Section 417; northerly by the east boundary of Section 417 to the Port Road; south-easterly to the southern angle of Section 405; north-easterly by the boundary between Sections 405 and 398; north-westerly by the road to the southern angle of Section 422, and northerly by the east boundary of the said Section; thence easterly by the road to the north-east corner of Section 360; thence northerly by the road to the Gawler River, between Sections 7568 and 7569, in the Hundreds of Port Adelaide and Munno Para respectively; thence westerly along the centre of the River Gawler, to a point where it cuts the dividing line of Sections 7523 and 7513; thence west, by the south boundary of 7521, 7522, and 7523, to a point between Sections 7500 and 7510; thence, by the centre of the aforesaid River Gawler, to the sea at Port Gawler; thence southerly by the sea coast to the point of commencement; together with the whole of Yorke's Peninsula lying south of a line from Port Wakefield to Port Riley - - - - Two Members.

No. 3. West Torrens.—Bounded on the west by the sea coast, between the Bay Road and the north-west angle of Section 1006; thence by the District of Port Adelaide as far as the north-east corner of Section 360; thence south by the North Road to the Park Lands, between Sections 2064 and 460; thence west and south by the north and west boundaries of the Park Lands, to their south-west angle; thence south-westerly and westerly by the Bay Road to the sea coast, at the point of commencement - - - - - - Two Members.

No. 4. Yatala.—Bounded on the west by the District of Port Adelaide; on the north by the centre of the Gawler River; on the east by the south branch of the South Para, as far as the south-west angle of Section 1685, and by the road running thence southerly to the Little Para River; on the south by the said River to the centre of the road between 2136 and 2144; thence, along centre of said road, to the south-east angle of 3045; thence southerly, to the north-east angle of 3002; thence south, by a straight line, to the east boundary of 1566 at its point of intersection with the Dry Creek; thence, along the said creek, to its intersection with the east boundary of Section 313; thence southerly, in a straight line, to the south-east angle of 504; thence, across the road; thence, along the northern boundary of 508, easterly, to its north-east angle; thence south, along the east-side of said section, to the centre of the River Torrens; thence westerly, by the centre of the said River Torrens, to its point of intersection with the south-west angle of Section 477; thence generally westerly, by the districts of North Adelaide, West Torrens, and Port Adelaide, to the north-east angle of Section 422, Hundred of Port Adelaide; and from thence, easterly by the road to the north-east angle of Section 360, Hundred of Yatala - Two Members.

No. 5. Gumeracka.—Bounded on the west by the east boundary of the District of Yatala; on the south by the centre of the River Torrens between east side of Preliminary Section 508 and Section 5521, by Kangaroo Creek to the Stringy-bark Trigonometrical Station, by the Range to Mount Torrens, and by the spur of the said Mount Torrens to the Main Range, and by the north boundaries of the Hundreds of Kanmantoo and Monarto; on the east by a straight line from the north-east angle of the Hundred of Monarto to the south-east angle of the Reedy Creek Survey, Section 960; thence to the north-east angle of the said Survey; thence due north to the County boundary between Sturt and Eyre; thence west to Keyne's Hill Trigonometrical Station; thence westerly, by the north boundary of the County of Sturt, to its north-west angle; thence by a line in a south-westerly direction

	Members for each District.
to a point where the South Para River enters the north boundary of Section 669 in the Barossa Special Survey; thence, following the course of the South Para River generally, in a westerly direction, to the point of commencement - - - - - -	Two Members.
No. 6. East Torrens.—Bounded on the south by the main South-eastern Road commencing at the point of intersection of the north side of said road with the south boundary of the Park Lands, and continuing by the said road to the boundary between the Hundreds of Adelaide and Onkaparinga; thence northerly by the said boundary to the Torrens; thence westerly by the centre of the River Torrens to its intersection with the eastern boundary of the Park Lands; thence southerly and westerly by the eastern and southern boundaries of the Park Lands, to the point of commencement - - - -	Two Members.
No. 7. The Sturt.—Bounded by a line commencing at the south-west angle of the Park Lands; thence in an easterly direction by the south boundary line of the Park Lands to the main South-eastern Road; thence by the south-west side of the said road, to the boundary between the Hundreds of Adelaide and Noarlunga; thence westerly, by the boundary between the Hundreds of Adelaide and Noarlunga to its intersection with the north boundary of Section 81; thence westerly to the South Road on the eastern side of Section 124; thence southerly by the South Road to its intersection with the north boundary of Section 524; thence westerly to the road along the east side of Section 572; thence northerly to its north-eastern angle; thence westerly by the boundary between Sections 860 and 572 to the sea coast; thence north, by the sea coast to the Bay Road; thence by the Bay Road to the point of commencement - - - - - -	Two Members.
No. 8. Noarlunga.—Bounded on the north by the southern boundary of the Districts of the Sturt and of East Torrens, and by the main South-eastern Road, from the south angle of the last-named District to the Onkaparinga River; and on the west by the sea coast; on the east by the centre of the Onkaparinga River, from Section 3816 to the crossing of a road which forms the south boundary of Section No. 820, and the north boundary of Section No. 834; thence along the centre of this road to the south-west corner of Section No. 821; thence by a direct line, following a direction nearly south-east, to a trigonometrical station known as Wickham's Hill; thence following the summit of the range about south-west, passing by another trigonometrical station, M'Leod's Hill, and crossing the Encounter Bay Road at the summit level above Willunga; thence continuing along the same range, passing Mount Terrible; and thence following that feature of the range which terminates at the south-west corner of Section No. 674 - -	Two Members.
No. 9. Mount Barker.—Bounded on the east by the River Bremer, commencing at its outlet into Lake Alexandrina; thence northerly by the centre of the said river to its junction with the Mount Barker Creek; thence following the centre of said creek to a point due south of Mount Barker Trigonometrical Station; thence north by a straight line to Mount Barker Trigonometrical Station; thence north-west along the main range to the north-west angle of Section 4411; thence along the range leading to Mount Magnificent south-westerly as far as the southern corner of Section 3827; thence north-westerly along the main South-eastern Road to its crossing of the River Onkaparinga; bounded on the west by the District of Noarlunga, to that point of the summit of the Willunga Range cut by the Encounter Bay Road; thence easterly to Mount Magnificent, and southerly to the range between Mount Compass and Mount Observation; thence easterly, along the most direct spur to Mount Observation, at the north-west corner of Section 2363; thence by the centre of the Finniss River to its intersection with the boundary between the counties of Hindmarsh and Sturt, near the east point of Hindmarsh Island; thence north-westerly to Point Sturt; thence northerly to the mouth of the River Bremer, the point of commencing. (This District comprises the Hundreds of Kondoparinga, Bremer, Alexandrina, Strathalbyn, Macclesfield, and Kuitpo.) - -	Two Members.
No. 10. Onkaparinga.—Bounded on the west by the east boundary of the District of East Torrens; on the south, by the Districts of Noarlunga and Mount Barker, on the east, by a line in a southerly direction from Mount Beevor Trigonometrical Station to the north-east angle of Section 1789 (on the Bremer); thence, along the east and south boundaries of that Section, to the River Bremer; thence by the River Bremer to its junction with the Mount Barker Creek; on the north, by the District of Gumeracka - - - - -	Two Members.

SOUTH AUSTRALIA.

Members for each District.

No. 11. ENCOUNTER BAY.—Bounded on the south and north-west by the sea coast, from the sea-mouth of the Murray, to the south angle of the District of Noarlunga; bounded on the north and north-west by the Districts of Noarlunga and Mount Barker, to the southern angle of the last-named district; thence by the boundary between the Counties of Hindmarsh and Sturt, passing the east side of Mundoo Island, to the point of commencement; together with the whole of Kangaroo Island - - - - - - - Two Members.

No. 12. BAROSSA.—Bounded on the north and west by the Moorundee road, from the point where it crosses the main range between Hawker's Hill and Mount Despond to its intersection with the North Para River, and by the north branch of the said river to its junction with the South Para River; on the south, by the South Para, and that branch of the river running through Section 669, Barossa Special Survey, and by a line thence north-easterly to the main range; thence east, by the north boundary of the County of Sturt, to the south-east angle of the Hundred of North Rhine, nine miles from the county boundary; thence due north, about fifteen and a half miles; thence due west, to Hawker's Hill Trigonometrical Station; thence southerly, by the main range, to the point of commencement. (This District comprises the Hundreds of Barossa, Moorooroo, and North Rhine, and the Town of Gawler.) - Two Members.

No. 13. THE MURRAY.—Commencing at the sea mouth of the Murray; thence northerly, by the east boundary of the Districts of Encounter Bay, Mount Barker, the Hundred of Kanmantoo; thence south-easterly, by the south boundary of the Hundred of Tungkillo; thence northerly, by the east boundaries of the Hundreds of Tungkillo and South Rhine; thence east, by the south boundary of the Hundred of North Rhine; thence north, by the east boundary of the said Hundred; thence west, by the north boundary of the said Hundred; thence northerly, by the east boundary of the County of Light; bounded on the north by the south boundary of the County of Burra, and the northern limit of the Province; on the west, by a due north line from the great bend of the River Murray; on the east, by the eastern boundary of the Province, from its northern limit to a point due west of the southern angle of the County of Russell, in about latitude 36° 12′ south; thence west to the sea coast, at the south point of the County of Russell; thence north-west by the sea coast to the point of commencement - - One Member.

No. 14. LIGHT.—Bounded on the west by the County of Gawler; on the north-west by the County of Stanley; on the north-east by the County of Burra; on the east by the County of Eyre; and on the south by the District of Barossa - - - - - Two Members.

No. 15.—VICTORIA.—Bounded on the north by the south boundary of the District of Murray; on the east by the east boundary of the Province, from about latitude 36° 12′ south to its southern limit; on the west and south-west by the sea coast - - - One Member.

No. 16. THE BURRA AND CLARE.—Bounded on the south by the Districts of Yatala, Port Adelaide, and the Murray; on the west by Gulf St. Vincent, and by a line running due north from the mouth of the Wakefield to the River Broughton; on the north by the River Broughton, and by the north boundary of the County of Burra; and on the east by the Districts of Murray and Light. This district comprises the whole of the Counties of Gawler, Stanley, and Burra - - Three Members.

No. 17. FLINDERS.—Comprises the County of Flinders, and all those portions of the Province to the westward of the west coast of Spencer's Gulf, and all the remaining portions of the Province lying to the north of the Districts of Port Adelaide and the Burra and Clare, bounded on the east by the District of Murray, together with all Islands being west of the meridian of Cape Jervis, with the exception of Kangaroo Island - - - - - - - One Member.

POPULATION OF REVISED ELECTORAL DISTRICTS of No 3., 1853.

(Supposed Population at date, 90,000.)

[Laid before Select Committee.]

No. of District.	Name of District.	No. of Members.	Number of Adult Males represented by each Member.		Total Population represented by each Member.		Remarks.
			By Census Return of 1855.	By supposed Population at date.	By Census Return of 1855.	Adults over 21 years by supposed Population at date.	
1	City of Adelaide -	6	776	788	3,043	3,033	
2	Port Adelaide -	2	713	766	2,514	2,068	
3	West Torrens -	2	540	573	2,437	2,524	
4	Yatala - - -	2	613	642	2,536	2,638	
5	Gumeracka - -	2	558	633	2,199	2,401	
6	East Torrens -	2	526	572	2,277	2,381	
7	Sturt - - -	2	512	556	2,262	2,364	
8	Noarlunga - -	2	661	724	2,717	2,869	
9	Mount Barker -	2	627	724	2,457	2,714	
10	Onkaparinga -	2	688	738	2,899	3,046	
11	Encounter Bay -	2	482	554	1,686	1,889	
12	Barossa - - -	2	624	696	2,506	2,686	
13	Murray - -	1	400	440	1,197	1,305	
14	Light - - -	2	600	658	2,283	2,460	
15	Victoria - -	1	609	645	1,676	1,814	
16	The Burra and Clare	3	563	650	1,976	2,176	
17	Flinders - -	1	444	455	892	926	

SOUTH AUSTRALIA.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir R. G. MACDONNELL.

(No. 3.)

SIR, Downing Street, May 4, 1855.

I HAVE to acknowledge Sir H. Young's Despatches* of the 5th and 28th November last, enclosing copies of proceedings of the Council, and of two addresses relating to the Colonial Parliament Bill.

* *Vide* Papers presented April 20, 1855, pages 16 and 22.

I will not advert in any way to the questions raised as to the motives under the influence of which certain provisions of this Bill were brought forward and discussed in the Council, farther than to express my conviction that Sir Henry Young and his advisers were sincerely anxious to carry into effect what they presumed to be the intentions of Her Majesty's Government, and at the same time to promote the interests of the community of South Australia.

The result, however, which I deduce from the documents now before me, is, that if the Council were about to undertake legislation on this subject unfettered by previous proceedings they would reconsider that portion of the Bill which relates to the construction of the future Legislative Council.

Her Majesty's Government have therefore come to the determination, after fully considering the question, that it will be advisable to introduce no measures into Parliament this session to enable Her Majesty to assent to the Bill, which will consequently remain inoperative. They leave it to yourself to consider, with the advice of your Executive Council, whether it may not be expedient that a fresh consideration of the question should not be preceded by a dissolution of the elective part of the Legislative Council.

In the meantime it is the intention of Her Majesty's Government to propose to Parliament the repeal of the Waste Lands Act, prospectively as regards South Australia, so as to take effect whenever the new Constitution shall be established.

If therefore the Legislature of South Australia should think proper to pass their new Constitution Bill within the limits of the power given by the Act for the better government of Her Majesty's Australian Colonies, 13 & 14 Victoria, c. 59, their purpose will be accomplished without the necessity of farther resort to Parliament, and their Constitutional Act might receive the Royal assent after being laid for thirty days before Parliament. But with this view it would be necessary that the clauses limiting the Crown's power of disallowance should be omitted, as the law now in force on that subject cannot be altered without authority of Parliament.

This is the course which has been pursued by the Legislature of Van Diemen's Land, whose Constitutional Act has received the assent of the Crown, and will be brought into immediate operation. I enclose a copy of that Act and some correspondence connected with it for your information.

See printed Papers of March 1855.

The other Act for granting Her Majesty a civil list will of course remain inoperative without receiving Her Majesty's assent.

I have, &c.

Governor Sir R. G. Macdonnell, &c. &c. &c.

(Signed) J. RUSSELL.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir R. G. MACDONNELL.

(No. 17.)

SIR, Downing Street, July 20, 1855.

18 & 19 Victoria, Cap. 54, 55, 56.

I TRANSMIT to you, for your information, copies of the Acts which have now received Her Majesty's assent for establishing the new constitution of New

South Wales and Victoria, and also of an Act to repeal the Australian Waste Lands Act, which has likewise received the Royal assent.

SOUTH AUSTRALIA.

You will observe that the latter comprises South Australia, but will not take effect in that colony until a Legislative Council and Assembly have been substituted for the present Legislature.

I have, &c.

Governor Sir R. G. Macdonnell, &c. &c. &c.

(Signed) J. RUSSELL.

No. 3.

No. 3.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Sir R. G. Macdonnell.

(No. 23.)

Sir, Downing Street, December 20, 1855.

I have to acknowledge your Despatch, No. 19,* of the 22d August last, addressed to Lord John Russell, reporting to his lordship the steps which you had taken in consequence of the decision arrived at by Her Majesty's Government, that it was inexpedient to introduce any Bill into Parliament last session to enable the Crown to assent to the Constitutional Acts passed by the South Australian Legislature.

* Page 52.

As it results from your despatch that a new Council was then about to meet, with the especial object of framing such measures as the circumstances of the colony might in their view appear to require, and as the deliberations of that body will probably terminate before this despatch can reach you, I abstain from all observations anticipating the character of those measures.

Nor will I at present make any remark on the steps taken by yourself, farther than this: I understand you to have left it as an open question to the Council, whether a measure proposed by yourself, and which would be inconsistent with the establishment of Responsible Government, should be adopted. If the Legislative Council are of opinion that this form of government is not in accordance with the wants or sentiments of the South Australian community, they are no doubt at liberty to take such steps as shall have the effect of postponing or rejecting its introduction. But I am anxious to place it on record, that Her Majesty's Government are themselves no parties to such a deviation from what was originally intended. They are aware of no reason why South Australia should remain exempted from the operation of a system conceded to the neighbouring provinces of New South Wales, Victoria, and Tasmania.

I have, &c.

Governor Sir R. G. Macdonnell, &c. &c. &c.

(Signed) H. LABOUCHERE.

No. 4.

No. 4.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Sir R. G. Macdonnell.

(No. 34.)

Sir, Downing Street, July 19, 1856.

I have to transmit to you herewith the Order of Her Majesty in Council, declaring Her Majesty's assent to the Bill intituled "An Act to establish a "Constitution for South Australia, and to grant a Civil List to Her Majesty," transmitted with your Despatch, No. 55,* of the 4th January last, the same having been duly laid for the necessary time before Parliament.

* Page 65.

2. I take the same opportunity of notifying to you Her Majesty's gracious confirmation of the Act "To provide for the election of Members to serve in "the Parliament of South Australia," transmitted with your Despatch, No. 79,* of the 7th April last.

* Page 86.

3. These two Acts complete the necessary change, and establish the constitution of the province on a new and wide basis. That its provisions may tend to the progress of the community in prosperity and real greatness is as sincerely the hope of Her Majesty's Government as it can be that of yourself and of those who have laboured with so much zeal and industry in framing them. I

SOUTH AUSTRALIA.

forbear from all observation on matters of detail, which indeed the ample commentary furnished by your own despatches and by the discussions in the Council render quite unnecessary.

4. The Waste Lands Repeal Act, 18 & 19 Vict. c. 56, will come in force in South Australia as soon as the assent of Her Majesty to the former of these measures is proclaimed in the colony.

As the Act establishing the Constitution appears to contain all the provisions required to precede the inauguration of Responsible Government, no further directions on this head appear to be called for.

Enclosure in No. 4.

Enclosure in No. 4.

At the Court at Buckingham Palace, the 24th day of Jnne 1856.

PRESENT:

The Queen's most Excellent Majesty in Council.

WHEREAS by an Act passed in the fifth and sixth years of Her Majesty's reign, intituled "An Act for the Government of New South Wales and Van Diemen's Land," it is amongst other things enacted, that "no Bill which shall be reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the colony of New South Wales until the Governor of the said colony shall signify, either by speech or message, to the Legislative Council of the said colony, or by proclamation as therein aforesaid, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same:" And whereas by another Act passed in the thirteenth and fourteenth years of Her Majesty's reign, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was provided amongst other things, that the provisions of the said former Act concerning the reservation of Bills for the signification of Her Majesty's pleasure should apply to and be in force in the colony of South Australia: And whereas on the 4th of January 1856 the Governor of the said colony of Australia reserved a certain Bill passed by the Legislative Council of the said colony, intituled "An Act to establish a Constitution for South Australia, and to grant a Civil List to Her Majesty," for the signification of Her Majesty's Pleasure thereon: And whereas the said Bill so reserved as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Bill should be assented to by Her Majesty: Now therefore, Her Majesty, in pursuance of the said Acts, and in exercise of the powers thereby reserved to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Privy Council, declare her assent to the said Bill.

And the Right Hononrable Henry Labouchere, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) WM. L. BATHURST.

TASMANIA.

TASMANIA.

Despatches from Governor Sir H. E. F. Young.

No. 1.

No. 1.

COPY of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Lord JOHN RUSSELL.

(No. 134.)

Government House, Hobart Town, September 18, 1855.
(Received December 29, 1855.)
(Answered No. 6, January 11, 1856, page 156.)

MY LORD,

I HAVE the honour, at the request of the Legislative Council, to forward to your Lordship an address to Her Majesty, praying that, excepting the Queen's representative in this colony, Her Majesty will be pleased to direct that the system of appointing gentlemen from England to fill offices of the Government in this colony shall for ever cease.

I have, &c.
(Signed) H. E. F. YOUNG.

The Right Hon.
Lord John Russell,
&c. &c. &c.

Enclosure in No. 1.

To the Queen's most Excellent Majesty

MOST GRACIOUS SOVEREIGN,

WE, your Majesty's dutiful and loyal subjects, the Members of the Legislative Council of Tasmania, in Council assembled, desire respectfully to approach Your most Gracious Majesty with renewed assurances of their loyalty, fidelity, and attachment to Your Majesty's Person and Government.

We respectfully pray that, excepting Your Gracious Majesty's Representative the Governor, Your Majesty will be pleased to direct the system of appointing gentlemen from England to fill offices of the Government of this Colony shall for ever cease.

We respectfully inform Your Majesty that this system operates injuriously and unsatisfactorily to Your Majesty's faithful colonists, who naturally look forward themselves to discharge the high duties of the offices of their Country; a patriotic feeling of the descendants of England which we are convinced Your Majesty will appreciate and recognize with pleasure.

We respectfully assure Your Majesty that numbers of Your Majesty's colonists within the Colony are now eminently qualified to discharge all these duties faithfully, no less to the satisfaction of Your Majesty's Government than to that of their fellow-colonists; and therefore we respectfully submit that the necessity for any such appointments from England no longer exists.

(Signed) MICHAEL FENTON, Speaker.

Passed the Legislative Council, this 6th day of September 1855.
(Signed) FR. HARTWELL HENSLOWE,
Clerk of the Council.

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Sir GEORGE GREY, Bart.

(No. 16.)

Government House, Hobart Town, February 8, 1856.
(Received May 5, 1856.)

SIR,

I HAVE the honour to report the satisfactory close yesterday of the session of the present Legislative Council, and to transmit a copy of my prorogation speech.

"The Electoral Act, 1856,"* enacted this session, will enable the next ordinary assembly of the Legislature to meet (under the Constitutional Act

* Page 115.

of 1854, which has received the Royal assent) as the Colonial Parliament of Tasmania.

I have, &c.
(Signed) H. E. F. YOUNG.

The Right Hon.
Sir George Grey, Bart.,
&c. &c. &c.

Enclosure in No. 2.

MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL.

1. THE business of the Session having at length drawn to a close, I have to thank you for your devotion to it, and to congratulate you on the Public Service being in a condition to permit of the termination of your labours.

2. The reforms in the Survey and in the Police Departments, which were suggested for consideration, and have not received your support, must necessarily remain in abeyance for the present, which I hope may not be attended with inconvenient results. I have to acknowledge the attention paid to the recommendation that the Masters and Servants Act of the year 1854 should be re-considered; and I trust that the amended Act of the present Session may work satisfactorily. I have to thank you for the Appropriation Acts, and for the considerate liberality with which increases in aid of Salaries have been temporarily continued to a reduced extent.

3. In the name and on the behalf of Her Majesty I assent to the following Acts:—

An Act to establish Electoral Districts for the Return of Members to the Parliament of Tasmania; the Registration of Voters at Elections; for the Regulation of Elections and Prevention of Bribery and Corruption; and for the Trial of controverted Elections.

An Act for applying certain Sums arising from the General Revenue of the Colony of Tasmania to the Service thereof for the Year 1856, and for further appropriating the said Revenue.

An Act to regulate Friendly Societies.

An Act to alter and amend the Licensing Act.

An Act to amend the Law relating to Masters, Servants, and Apprentices.

An Act to facilitate the Administration of Justice in the Supreme Court.

The Legislation which will especially be distinguished as your last and most important is the Electoral Act, or preliminary step on the arduous but hopeful path of the New Constitution. At this epoch, then, of a great change in the future government of the Colony,—in contemplation also of the erroneous or imperfect views and theories which may prevail on the subject of the tendency and effect of Responsible Government,—it is expedient, especially on the near approach of a general election, that I should take the sole opportunity of which I can avail myself to guard, at least in some degree, against misconception of the expectations and views I entertain on the subject of the New Constitution; and of the policy which, on the establishment of an entirely Elective Parliament, I hold to be conducive to the advantage of Her Majesty's Service and the welfare of the Colony.

I regard Responsible Government as being likely to afford an increased facility and power to the Executive and Legislative authorities to do whatever is right to be done for the good of the Public Service, and to correct whatever is amiss, without confounding and mistrusting their distinct and separate functions; to cause narrow and selfish interests to give place to large and comprehensive aims for the common weal; to open up to the colonists avenues to political station and responsibility; to stimulate usefulness to the Public by the salutary influence which the Constituency, and the desire for re-election, cannot but exercise over those whose ambition to represent the community will, when genuine, be vindicated by ability and zeal to promote its true interests; and lastly, I regard the new system as calculated to increase the moral weight and influence of the Executive, which may thus become more efficacious than by the exercise of legal power alone.

4. The Governor, neither mingling in nor concerned about the discords of political parties, nor exempting the Ministry from its proper accountability to the Colonial Parliament, is necessarily induced to include in his Executive Council some of those persons who, from time to time, possess the suffrages of the Constituency and the confidence of the Legislature; the distinct understanding being, that whilst no individuals or class of politicians shall be either ensured a monopoly of office, or, on the other hand, be admitted to it with distrust or animosity, the support of the Governor will be given to the Ministry of the day, on the indispensable condition of dutiful allegiance to Her Majesty, and also of an administration of public affairs which shall be satisfactory to the Colony.

5. Emancipated from political and party controversies, impeded neither by feeble nor timid advisers, nor surrounded by those who conceive their possession of office to be against his inclination, the Governor, under the system now imperfectly sketched, may

TASMANIA.

expect his official functions, as well as his personal influence, to be strengthened by exclusive concentration on those higher objects which are special to no one political party, but common to all, as conducing to the moral and material progress and improvement of the whole Colony. Placed in an office the tenure of which is fixed by command of Her Majesty, partisan-leadership, the strife, separations, and divisions of party politicians, are inappropriate to the post of Governor, whose legitimate ambition must be to head not any one party, but a coalition of all patriotic colonists, in promoting the advancement and prosperity of Tasmania, and in assisting to expand and elevate its public spirit. Deeply conscious of my inability perfectly to fulfil all the obligations of so responsible and arduous a position, I am resolved at least to be most scrupulous to put aside private sympathies and antipathies, and to make duty to the Queen and to the Colony the ruling principle and guide of the official situation intrusted to me by Her Majesty. It will be my duty and inclination to co-operate in the creation of elective district councils or municipalities,—the upholding and extension of all existing colonial interests,—the opening up of new ports,—new settlements,—tram and railways,—electric telegraphs,—the steam navigation of our rivers and coasts,—irrigation,—scientific agriculture,—the education of the people;—these, and others of a kindred nature, are objects of permanent and reproductive profit to the public, and unconnected with party politics;—they are of sufficient general importance to claim the zealous support of a Constitutional Governor, whatever may be the composition of the Ministry.

6. Under the most favourable circumstances, the success of Constitutional Government is less owing to the recognised excellence of its principles, as embodied in the letter of the law, than to the liberal spirit and mutual forbearance of the Executive and Legislative branches, which ought to have the effect of restraining each from enforcing its rights to their extreme extent in controversy with the other.

It is obviously prudent, especially in the infancy of Constitutional Government, that the checks and restraints which are self-imposed and habitual in the Fatherland in the exercise of even legal rights and privileges, should not be lightly esteemed or discarded. On the contrary, there should be a sincere co-operation, individually and collectively, to adopt practically the truism, that political moderation is real power; and that its corresponding tone should be required to prevail both in public journals desirous of popular favour, and in the proceedings of the representatives of the people.

Representative institutions have been well said to be neither unmixed blessings nor self-acting charms; their real value must depend on the wisdom, discretion, moderation, and virtue of those by whom they are adopted. In themselves they can neither guarantee personal liberty, nor good government, nor national prosperity. They are simply the means by which, under certain conditions of prudence in their use, these advantages may be obtained. They are a spell of power, but not power for good alone: they afford the best field for the exercise of patriotic virtue; they dispense with none.

Mr. Speaker and Gentlemen, I trust that the views and principles which I have now described as appropriate to Responsible and Constitutional Government may find acceptance both with you and with the several District Constituencies to which you are about to return; and, heartily bidding you farewell, I now declare this Council to be prorogued until the 1st day of May next.

No. 3.

No. 3.

COPY of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Sir GEORGE GREY, Bart.

(No. 17.)

Government House, Hobart Town,
February 9, 1856.
(Received May 5, 1856.)

SIR,

I HAVE the honour to enclose twelve Acts, numbered from 17 to 28 inclusively, of which a schedule is annexed.

These Acts, after favourable report from the law officers of the Crown, received my assent in the name and on the behalf of Her Majesty, and I beg to submit them for confirmation.

I have, &c.
(Signed) H. E. F. YOUNG.

The Right Hon.
Sir George Grey, Bart.,
&c. &c. &c.

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Encl. 1. in No. 3.

Enclosure 1 in No. 3.

Anno decimo-nono Victoriæ Reginæ.

No. 17.

By His Excellency Sir Henry Edward Fox Young, Knight, Captain-General and Governor-in-Chief of the Island of Van Diemen's Land and its Dependencies, with the Advice and Consent of the Legislative Council.

An Act* to obviate any Doubts which might otherwise arise from the Change in the Name of the Colony of Van Diemen's Land to "Tasmania." [22nd December 1855.]

WHEREAS Her most Gracious Majesty has been pleased, in accordance with the petition of the Legislative Council of Van Diemen's Land, by Her Order in Council, to direct, that from the first day of January one thousand eight hundred and fifty-six the colony of Van Diemen's Land and the territory belonging thereto shall be designated by the name of Tasmania: And whereas doubts may arise as to the validity of instruments and proceedings in which the name of Van Diemen's Land is now by law required to be inserted or used, and it is desirable to obviate such doubts: Be it therefore enacted by the Governor of Van Diemen's Land and its dependencies, with the advice and consent of the Legislative Council of the said island, as follows:

No objection whatever shall, after the first day of January one thousand eight hundred and fifty-six, be made or taken, or shall be of any validity or effect if made or taken, to the use of the word "Tasmania" instead of the words "Van Diemen's Land" in any instrument or proceeding whatever, nor shall the validity of any instrument or proceeding whatever be questioned or affected in consequence of the words "Van Diemen's Land" being used in such instrument or proceeding instead of the word "Tasmania."

MICHAEL FENTON, Speaker.

Passed the Legislative Council this twentieth day of December one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG, Governor.

Government House, Hobart Town,
22nd December 1855.

Enclosure 2 in No. 3.

Anno decimo-nono Victoriæ Reginæ.

No. 24.

By His Excellency Sir Henry Edward Fox Young, Knight, Captain-General and Governor-in-Chief of the Island of Tasmania and its Dependencies, with the Advice and Consent of the Legislative Council. Encl. 2. in No. 3.

An Act* to establish Electoral Districts for the Return of Members to the Parliament of Tasmania; the Registration of Voters at Elections; for the Regulation of Elections and Prevention of Bribery and Corruption; and for the Trial of controverted Elections. [7th February 1856.]

WHEREAS by the Constitutional Act it was amongst other things enacted, that there should be, in place of the present Legislative Council of Van Diemen's Land (now called Tasmania), one Legislative Council and one House of Assembly in the said Colony, to be severally constituted in the manner therein prescribed; and that, for the purpose of electing Members to serve in such Legislative Council and House of Assembly, the Governor and now existing Legislative Council should, by an Act to be passed for that purpose after the said Constitutional Act should commence and take effect, establish convenient Electoral Districts for the return of Members to the said Legislative Council and House of Assembly, and should determine the number of Members to be returned for each district to the said Legislative Council and House of Assembly, and should determine the number of Members to be returned for each district to the said Legislative Council and House of Assembly, and should make all necessary provisions for the issuing, executing, and returning the necessary writs for the election of such Members, the appointing of Returning Officers, the taking of the poll, the place and time of the elections, the completion and revision of lists of persons entitled to vote, for determining the validity of all disputed returns, and for ensuring the orderly, impartial, and effective conduct of such elections; and that immediately upon the issue of the writs for the first election of Members of such Legislative Council and House of Assembly, the existing Legislative Council should ipso facto be dissolved, and the powers and functions thereof should cease: And whereas the Constitutional Act commenced and took effect on the third day of

Preamble.

Recital of the Constitutional Act.

* Her Majesty's Assent to these Acts conveyed by Mr. Labouchere's Despatch, No. 76. 24 June 1856.

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November one thousand eight hundred and fifty-five: Be it therefore enacted by the Governor of Tasmania, by and with the advice and consent of the Legislative Council thereof, as follows:

Short Title.

1. In referring to this Act, it shall be sufficient to make use of the expression "The Electoral Act, 1856."

Division of Act.

2. This Act shall be divided into six parts; the first part relating to the creation of Electoral Districts, and the appointment of Returning Officers and polling places; the second part to the preparation and revision of Electoral Rolls; the third part to the mode of election; the fourth part to the prevention of bribery and corruption at elections; the fifth part to the trial of controverted elections; and the sixth part to miscellaneous matters.

Part I.

The Creation of Electoral Districts, and Appointment of Returning Officers and Polling Places.

Districts for Return of Members to Legislative Council.

3. The Colony of Tasmania shall be divided into twelve Electoral Districts for the purpose of returning Members to serve in the said Legislative Council; the district of Hobart shall return three Members, the district of Tamur shall return two Members, and each of the remaining districts shall return one Member; and such Electoral Districts shall be severally designated by the names specified in the Schedule to this Act annexed marked A., and shall respectively consist of and include the places and be comprised within the boundaries which in such Schedule are respectively specified, described, and set forth.

Districts for Return of Members to House of Assembly.

4. The Colony of Tasmania shall be divided into twenty-four Electoral Districts for the purpose of returning Members to serve in the said House of Assembly; the district of Hobart Town shall return five Members, the district of Launceston shall return three Members, and each of the remaining districts shall return one Member; and such districts shall be severally designated by the names specified in the Schedule to this Act annexed marked B., and shall respectively consist of and include the places and be comprised within the boundaries which in such Schedule are respectively described and set forth.

Appointment of Returning Officers.

5. It shall be lawful for the Governor, within one month after the passing of this Act, and on the first day of January one thousand eight hundred and fifty-seven, and on the first day of January in each succeeding year, and from time to time as any vacancy by death, removal, or resignation may occur, by any writing under his hand and the seal of the Colony, to appoint to be the Returning Officer of and for each Electoral District in this Colony, except as otherwise herein provided, a fit and proper person willing to accept such office; which appointment shall be notified in the usual manner in the "Hobart Town Gazette:" Provided that no person holding any office or place of profit under the Government shall be so appointed; and for the Electoral Districts of Hobart and Hobart Town, the Mayor of Hobart Town for the time being shall be the Returning Officer; and for the Electoral Districts of Tamar and Launceston, the Mayor of Launceston for the time being shall be the Returning Officer; and in the event of a vacancy in the office of Mayor of Hobart Town at the time of any election of a Member of the said Legislative Council or House of Assembly, or in the event of the Mayor being a candidate at such election, or of his inability from sickness or absence to act at any such election, then the Town Clerk for the time being of such city shall be the Returning Officer for the said districts of Hobart and Hobart Town, or of either of the said districts, as the case may be; and in the event of a vacancy in the office of Mayor of Launceston at the time of any such election, or in the event of the Mayor being a candidate at such election, or of his inability from sickness or absence to act at any such election, then the Town Clerk for the time being of the town of Launceston shall be the Returning Officer of the said Districts of Tamar and Launceston, or of either of the said districts, as the case may be.

Appointment of polling places.

6. The polling places specified in Schedule C. to this Act shall be the polling places for the several Electoral Districts for the return of members to the Legislative Council and to the House of Assembly; but it shall be lawful for the Governor, with the advice of his Executive Council, from time to time to alter, increase, or diminish the number of such polling places, provided that such alteration be made, and notification thereof by proclamation in the "Hobart Town Gazette" be given, in sufficient time to enable the revising barrister at his ordinary Courts of Revision to make out the polling lists provided for in Part 2. of this Act.

Part II.

The Preparation and Revision of Electoral Rolls.

Preparation of Lists.

7. Whereas by the Constitutional Act the following provisions are made for the qualification of electors for the return of members to the said Legislative Council:—

"Every man of the age of twenty-one years, being a natural-born or naturalized subject of Her Majesty, or legally made a denizen of Van Diemen's Land, and

having a freehold estate in possession, legal or equitable, within the district for which his vote is to be given, of the clear annual value of fifty pounds sterling money above all charges and incumbrances in any way affecting the same, of or to which he has been seised or entitled, either at law or in equity, for at least six months before the date of the writ for such election, or when a registration of electors shall be established next before the last registration of electors, or being a graduate of any university in the British dominions, or a barrister or solicitor on the roll of the Supreme Court of Van Diemen's Land, or a legally qualified medical practitioner, or an officiating minister of religion, or an officer or retired officer of Her Majesty's land or sea forces not being on actual service, and resident in the district for which his vote is to be given at least twelve months before the date of the writ for such election, shall be entitled to vote at the election of a member to serve in such Legislative Council:"

And as to the qualification of electors for the return of Members to the House of Assembly, it is provided that—

"Every man of the age of twenty-one years, being a natural-born or naturalized subject of Her Majesty, or legally made a denizen of Van Diemen's Land, and having a freehold estate in possession, legal or equitable, situate within the district for which his vote is to be given, of the clear value of one hundred pounds sterling money above all charges and incumbrances in any way affecting the same, of or to which he has been seised or entitled, either at law or in equity, for at least two months next before the date of the writ for such election, or in case a registration of electors shall be established, next before the last registration of electors, or being a householder within such district occupying an house, warehouse, counting-house, office, shop, or other building of the clear yearly value of ten pounds sterling money, and having resided therein two calendar months before such writ or registration as aforesaid, or holding at the date of such writ, or at the time of such registration, a licence to depasture lands within the district for which his vote is to be given from the Government of Van Diemen's Land, and paying for the same not less than ten pounds per annum, or having a leasehold estate in possession, situate in such district, of the annual value of ten pounds sterling money held upon lease which, at the date of such writ, or at the time of such registration, has not less than three years to run, or having a salary of one hundred pounds sterling a year, or being a graduate of any university in the British dominions, or a barrister or solicitor on the roll of the Supreme Court of Van Diemen's Land, or a legally qualified medical practitioner, or an officiating minister of religion, or an officer or retired officer of Her Majesty's land or sea forces not being in actual service, and resident in the district for which his vote is to be given at least twelve months before the date of the writ for such election, shall be entitled to vote at the election of a Member of the House of Assembly:"

And that—

"Where any premises are jointly owned or occupied or held upon lease by more persons than one, each of such joint owners, occupiers, or leaseholders shall be entitled to be registered as an elector, and to vote at the election of Members to serve in the House of Assembly in respect of such joint ownership, occupancy, or leasehold; provided each such person's share or interest in such premises would, if several, entitle him to vote:"

And it is by the said Act also provided that—

"No man shall be entitled to vote at the election of a Member of the said Legislative Council or of the said House of Assembly who has been attainted or convicted of treason, felony, or other infamous offence in any part of Her Majesty's dominions, unless he have received a pardon or have undergone the sentence passed upon him for such offence:"

And whereas it is necessary to provide for the formation of lists, herein called Electoral Rolls, of persons qualified to vote at the election of Members of the Legislative Council and of the House of Assembly respectively: Be it therefore enacted as follows: For the purposes of this Act the Electoral Districts of South Esk, North Esk, Longford, Tamar, and Meander; for the return of Members of the Legislative Council, and the Electoral Districts of Campbell Town, Fingal, Morven, Selby, Norfolk Plains, Ringwood, George Town, Launceston, Westbury, Deloraine, and Devon, for the return of Members of the House of Assembly, shall form and shall be understood to be the "Northern Electoral "Districts;" and the Electoral Districts of Hobart, Buckingham, Huon, Derwent, Jordan, Cambridge, and Pembroke, for the return of Members of the Legislative Council, and the Electoral Districts of Hobart Town, Queenborough, Glenorchy, Kingborough, Franklin, New Norfolk, Cumberland, Oatlands, Brighton, Richmond, Clarence, Sorell, and Glamorgan, for the return of Members of the House of Assembly, shall form and shall be understood to be the "Southern Electoral Districts."

"Northern Electoral Districts."

"Southern Electoral districts."

Delivery by Clerks of the Peace to Returning Officers of precepts for making out Electoral lists for Legislative Council and House of Assembly respectively.

8. Within one month after the passing of this Act, and on or before the tenth day of January one thousand eight hundred and fifty-seven, and on or before the tenth day of January in every succeeding year, the Clerk of the Peace of Launceston shall deliver or cause to be delivered to the Returning Officers in the Northern Electoral Districts his precepts, numbered 1 in Schedules D. and E., and a sufficient number of printed copies of

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all forms required by this Act to be used for the purposes of this Act, except balloting papers, which shall be forwarded by the Clerk of the Peace seven days before the day of nomination at any election in the Northern Electoral Districts; and within one month after the passing of this Act, and on or before the tenth day of January one thousand eight hundred and fifty-seven, and on or before the tenth day of January in every succeeding year, the Clerk of the Peace for Hobart Town shall deliver or cause to be delivered to the Returning Officers in the Southern Electoral Districts his precepts, numbered 1 in Schedules D. and E., and a sufficient number of printed copies of all forms required by this Act to be used for the purpose of this Act, except balloting papers, which shall be forwarded by the Clerk of the Peace seven days before the day of nomination at any election in the Southern Electoral Districts; but all such forms shall be printed under the direction and provided by the Clerk of the Peace of Hobart Town, who shall forward such or so many of such forms as may be necessary to the Clerk of the Peace of Launceston.

Returning Officers to make out and publish alphabetical lists of voters at election of members of Legislative Council.

9. The Returning Officer of every Electoral District for the return of a Member or Members to serve in the Legislative Council shall, within two months after the passing of this Act, and on or before the tenth day of February one thousand eight hundred and fifty-seven, and on or before the tenth day of February in every succeeding year, make out an alphabetical list, in the Form No. 2 of Schedule D., of all persons entitled to vote at the election of a Member of the Legislative Council for such Electoral District; and the said Returning Officer shall cause a copy of such list to be forthwith published in the "Hobart Town Gazette," and in one at least of the newspapers published in Hobart Town, and in one at least of the newspapers published in Launceston, and shall cause a copy of every such list to be affixed on or near to the door of every church and registered chapel and of every police office within such Electoral District, and in case there shall be no church, registered chapel, or police office, then on some other public place in such district, and shall keep such list so affixed to such doors for fourteen consecutive days at least; and shall likewise keep during the same period a copy of such list to be perused by any person during reasonable hours without a fee; and shall also deliver a copy of such list to any person demanding the same, on the payment by such person of the sum of two shillings and sixpence.

Returning Officers to make out alphabetical lists of persons claiming to be in such lists.

10. Every person whose name shall have been omitted in such list so to be made and published, or who shall be desirous of being inserted in such list by some other qualification than that in respect of which he may have been inserted in such list, and in lieu thereof, shall, within fourteen days after the first day of the publication of such list, give or transmit to the Returning Officer of such Electoral District a notice in writing according to the Form numbered 3 in Schedule D., or to the like effect; and the Returning Officer shall forthwith make an alphabetical list in the Form numbered 4 in Schedule D. of all such persons claiming to be inserted in such list of voters.

Returning Officers to make out alphabetical list of persons objected to.

11. Every person whose name shall have been inserted in such list of voters, and every person whose name having been omitted from such list shall have given notice of his claim to be placed upon the list of voters, may object to any other person as not being entitled to have his name inserted in any list of voters of such Electoral District for the current year; and every person so objecting shall give or transmit to such Returning Officer, within fourteen days after the first day of the publication of such list, a written notice in the Form numbered 5 in Schedule D., or to the like effect, and also give or transmit a like written notice to the person so objected to; and such Returning Officer shall make out an alphabetical list in the Form numbered 6 in Schedule D. of all persons whose names shall be so objected to.

Publication of such lists of claims and objections.

12. The said Returning Officer shall, so soon as he shall have made out such alphabetical lists of claims and objections, cause to be written or printed a sufficient number of copies thereof, which copies he shall sign, and shall publish a copy of each of such lists in the "Hobart Town Gazette," and in one at least of the newspapers published in Hobart Town, and in one at least of the newspapers published in Launceston, and shall cause a copy of each of such lists to be affixed on or near to the doors of all churches and registered chapels and of all police offices in such Electoral District, and in case there shall be no church, registered chapel, or police office, then on some other public place in such district, which copies shall remain so affixed for a period of fourteen consecutive days; and shall likewise keep, during the same period, copies of such lists, and shall allow the same to be perused by any person, during reasonable hours, without payment of any fee, and shall deliver copies of each of such lists to any person requiring the same, on payment of the sum of two shillings and sixpence for each copy.

Returning Officers to deliver to the Clerks of the Peace respectively copies of the lists of voters, and of lists of claims and lists of objections.

13. The Returning Officer of each of the Northern Electoral Districts shall, within three months after the passing of this Act, and on or before the tenth day of March one thousand eight hundred and fifty-seven, and on or before the tenth day of March in every succeeding year, deliver to the Clerk of the Peace of Launceston a copy of the said list of voters made out by him as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy of the list of persons objected to as aforesaid; and the Returning Officer of each of the Southern Electoral Districts shall, within the periods aforesaid, deliver to the Clerk of the Peace of Hobart Town a copy of the said list of voters made out by him as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy of the list of persons objected to as aforesaid.

14. The Returning Officer of every Electoral District for the return of a Member to serve in the House of Assembly shall, within two months after the passing of this Act, and on or before the tenth day of February one thousand eight hundred and fifty-seven, and on or before the tenth day of February in every succeeding year, make out an alphabetical list, in the Form No. 2. of Schedule E., of all persons entitled to vote at the election of a Member of the House of Assembly for such Electoral District; and the said Returning Officer shall cause a copy of such list to be forthwith published in the "Hobart Town Gazette," and in one at least of the newspapers published in Hobart Town, and in one at least of the newspapers published in Launceston, and shall cause a copy of every such list to be affixed on or near to the door of every church and registered chapel, and of every police office within such Electoral District; and in the event of there being no such church, registered chapel, or police office, then on some other public place within such Electoral District, and shall keep such list so affixed for fourteen consecutive days at least, and shall likewise keep, during the same period, a copy of such list to be perused by any person without a fee, and shall also deliver a copy of such list to any person demanding the same, on the payment by such person of the sum of two shillings and sixpence.

Returning Officers to make out and publish alphabetical lists of voters at election of Members of House of Assembly.

15. Every person whose name shall have been omitted in such list so to be made and published, or who shall be desirous of being inserted in such list by some other qualification than that in respect of which he may have been inserted in such list, and in lieu thereof, shall, within fourteen days after the first day of the publication of such list, give or transmit to the Returning Officer of such Electoral District a notice in writing according to the Form numbered 3. in Schedule E., or to the like effect; and the Returning Officer shall forthwith make an alphabetical list, in the Form No. 4. of Schedule E., of all such persons claiming to be inserted in such list of voters.

Returning Officers to make out alphabetical list of persons claiming to be in such list.

16. Every person whose name shall have been inserted in such list of voters, and every person whose name having been omitted from such list shall have given notice of his claim to be placed upon the Electoral Roll, may object to any other person as not being entitled to have his name inserted in any list of voters of such Electoral District for the current year; and every person so objecting shall give or transmit to such Returning Officer, within fourteen days after the first day of publication of such list, a written notice in the Form No. 5. in the Schedule E., or to the like effect, and also give or transmit a like written notice to the person so objected to; and such Returning Officer shall make out an alphabetical list, in the Form No. 6. in Schedule E., of all persons whose names shall be so objected to.

Returning Officers to make out alphabetical list of persons objected to.

17. The said Returning Officer shall, so soon as he shall have made out such alphabetical lists of claims and objections, cause to be written or printed a sufficient number of copies thereof, which copies he shall sign, and shall publish a copy of each of such lists in the "Hobart Town Gazette," and in one at least of the newspapers published in Hobart Town, and in one at least of the newspapers published in Launceston, and shall cause a copy of each of such lists to be affixed on or near to the doors of all churches and registered chapels and of all police offices in such Electoral District; and in the event of there being no such church, registered chapel, or police office, then on some other public place in the district, which copies shall remain so affixed for a period of fourteen consecutive days; and such Returning Officer shall keep copies of such lists, and shall allow the same to be perused by any person without payment of any fee at all reasonable times during fourteen days next following the publication and affixing of such lists as aforesaid, and shall deliver copies of each of such lists to any person requiring the same, on payment of the sum of two shillings and sixpence for each copy.

Publication by Returning Officers of such lists of claims and objections.

18. The Returning Officer of each of the Northern Electoral Districts shall, within three months after the passing of this Act, and on or before the tenth day of March one thousand eight hundred and fifty-seven, and on or before the tenth day of March in every succeeding year, deliver to the Clerk of the Peace of Launceston a copy of the said list of voters made out by him as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy of the list of persons objected to as aforesaid; and the Returning Officer of each of the Southern Electoral Districts shall, within the periods aforesaid, deliver to the Clerk of the Peace of Hobart Town a copy of the said list of voters made out by him as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy of the list of persons objected to as aforesaid.

Returning Officers to deliver to Clerks of the Peace respectively copies of list of voters, list of claims, and list of objections.

Revision of Lists, and making up Electoral Roll.

19. The Chief Justice of the Supreme Court of this Colony shall, within one month after the passing of this Act, and on the first day of January one thousand eight hundred and fifty-seven, and on the first day of January in every succeeding year, appoint a barrister of the Supreme Court of Tasmania of not less than five years' standing, who shall be called "The Revising Barrister for the Northern Electoral Districts," to revise the lists of persons entitled to vote and of claims and objections, and therefrom to frame the Electoral Rolls for the several "Northern Electoral Districts," for the return of Members to the Legislative Council and House of Assembly for those Electoral Districts; and the Puisne Judge of the said Supreme Court shall also on the same day appoint a barrister of the said Supreme Court of not less than five years' standing, who shall be

Appointment and duties of Revising Barristers.

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called "The Revising Barrister for the Southern Electoral Districts," to revise the lists of persons entitled to vote and the lists of claims and objections, and therefrom to frame the Electoral Rolls for the several "Southern Electoral Districts," for the return of Members to the Legislative Council and House of Assembly for those Electoral Districts: Provided that no Member of Parliament, nor any person holding any place or office of profit under the Government, shall be appointed such barrister, and that no barrister so appointed as aforesaid shall be eligible to serve in Parliament for eighteen months from the time of his appointment for any of the Electoral Districts within the division for which he shall have been so appointed: Provided, that in the event of a person so appointed a Revising Barrister dying or becoming incapable of efficiently discharging the duties of his office during his period of service, then the Chief Justice or Puisne Judge, as the case may be, shall appoint some properly qualified person in the place of such person so dying or becoming incapable.

Declaration to be made by Revising Barrister on appointment.

20. Each of such Revising Barristers shall forthwith after his appointment make the following declaration before one of the Judges or one of the Commissioners of the Supreme Court :—

> " I (A. B.) do solemnly and sincerely promise and declare, that I will well and truly " and faithfully, to the best of my ability, perform my duty as a Revising " Barrister appointed in accordance with the provisions of the Electoral Act, " 1856."

Clerks of the Peace to transmit to Revising Barristers copies of lists received from Returning Officers.

21. The Clerk of the Peace for Launceston shall, within fourteen weeks after the passing of this Act, and on or before the twentieth day of March one thousand eight hundred and fifty-seven, and on or before the twentieth day of March in every succeeding year, transmit to the Revising Barrister of the Northern Electoral District copies of the several lists which he shall have received from the Returning Officers of the Northern Electoral Districts ; and the Clerk of the Peace for Hobart Town shall, within the same period, transmit copies of all the lists which he shall have received from the several Returning Officers of the Southern Electoral Districts to the Revising Barrister for those districts.

Revising Barristers to make circuits and hold Courts for revision of the several lists.

22. The said Revising Barristers shall severally make circuits and hold open Courts within their respective districts for the revision of the several lists so to be forwarded to them by the Clerks of the Peace for Launceston and Hobart Town respectively, and for framing the Electoral Roll for the Electoral Districts for the return of Members of the Legislative Council within their respective jurisdictions, and in like manner shall hold Courts for the revision of the several lists so to be forwarded to them by the Clerks of the Peace for Launceston and Hobart Town respectively, and for framing the Electoral Roll for the Electoral Districts for the return of Members to the House of Assembly ; such Courts to be held at such place or places within each district as such Revising Barristers shall think expedient, at such convenient times as they shall severally determine upon, in the year one thousand eight hundred and fifty-six between the fourteenth day of May and the fourteenth day of August, and in the year one thousand eight hundred and fifty-seven, and in every succeeding year, between the twenty-fifth day of March and the twenty-fifth day of June; and they shall, fourteen days at least before holding the first Court of Revision, give notice of the times and places when and where such Courts will be held to the Clerk of the Peace and the Returning Officers for their respective districts.

The Clerks of the Peace to give notice when and where such Courts will be held.

23. The Clerks of the Peace of Launceston and Hobart Town respectively shall forthwith severally publish in the "Hobart Town Gazette," and in such newspapers as they shall think necessary, notices of the times and places when and where such Courts of Revision will be held ; and the Returning Officer of each Electoral District shall also cause notices to be placed upon the doors of the several churches and registered chapels and police offices within each of such Electoral Districts of the time and place when and where the Court of Revision for such Electoral District will be held.

Returning Officers to attend such Courts, and produce original notices of claim and objection.

24. The Returning Officer of each Electoral District for the return of a Member to the Legislative Council shall attend the Court of the Revising Barrister for the revision of the lists, and for the framing of the Electoral Roll for such Electoral District; and the Returning Officer of each Electoral District for the return of a Member to the House of Assembly shall attend the Court of the Revising Barrister for the revision of the lists, and for the framing of the Electoral Roll for such Electoral District; and such Returning Officers shall deliver to the Revising Barrister the original notices of claim and notices of objection given to them as aforesaid; and the said Returning Officers shall, if required, answer upon oath all such questions as such Revising Barrister may put to them, and produce all documents, papers, and writings in their possession, custody, or power touching any matter herein mentioned.

If Claimant's name omitted from list, Revising Barrister may insert it.

25. If any person who shall have given to the Returning Officer of the Electoral District due notice of his claim to have his name inserted in the list of persons entitled to vote in the election of a Member of the Legislative Council, or in the list of persons entitled to vote in the election of a Member of the House of Assembly for such district, shall have been omitted by such Returning Officer from such list, it shall be lawful for the Revising Barrister, upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such Barrister that such person gave due notice of such his claim to the said Returning Officer, and that he is entitled in respect of existing qualification to be inserted in the Electoral Roll of the

district for the return of a Member of the Legislative Council or of the House of Assembly, as the case may be.

Persons on list of voters, or persons upon list of claimants, may oppose such insertion by such Revising Barrister.

26. It shall be lawful for any person whose name shall be on the list of persons entitled to vote or list of claimants for any district, to oppose the claim of any person so omitted as aforesaid to have his name inserted in any list of persons entitled to vote for the same district; and such person intending to oppose any such claim shall, in the Court to be holden as aforesaid for the revision of such list, and before the hearing of the said claim, give notice in writing to the Revising Barrister of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs, appeal, and other matters relating to the hearing and determination of the said claim, as any person who shall have duly objected to the name of any other person being retained on any list of persons entitled to vote, and who shall appear and prove the requisite notices as hereinafter mentioned.

Revising Barrister's duties in revising such lists as aforesaid.

27. The Revising Barrister shall correct any mistake which shall be proved to him to have been made in any list, and shall expunge the name of every person whose qualification as stated in any list shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be disqualified to vote under any of the provisions of "The Constitutional Act," or under any of the provisions of this Act, and also the name of every person who shall be proved to him to be dead; and wherever the Christian name, or the place of abode, or the nature of the qualification, or the local or other description of the qualification of any person who shall be included in any such list, shall be wholly omitted in any case where the same is by this Act directed to be specified therein, or if any person whose name is included in any such list, or his place of abode, or the nature or description of his qualification, shall in the judgment of the Revising Barrister be insufficiently described for the purpose of being identified, such Barrister shall expunge the name of every such person from such list, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of such Barrister before he shall have completed the revision of such list, in which case he shall then and there insert the same in such list: Provided always, that whether any person shall be objected to or not, no evidence shall be given of any other qualification than that which is described in the list of persons entitled to vote or claim, as the case may be, nor shall the Barrister be at liberty to change the description of the qualification as it appears on the list, except for the purpose of more clearly and accurately defining the same, or where an inaccurate or mistaken qualification has been inserted in such list through some error or default of the Returning Officer; and where the name of any person inserted in any list of persons entitled to vote shall have been objected to by the Returning Officer for the Electoral District or by any other person, and such other person so objecting shall appear by himself, or by some one on his behalf, in support of such objection, and shall prove that he gave the notice required by this Act to be given by him, such Revising Barrister shall then require it to be proved that the person so objected to was entitled, in the year one thousand eight hundred and fifty-six on the last day of March, and in every succeeding year on the ninth day of February then next preceding, to have his name inserted in the list of voters in respect of the qualification described in such list; and in case the same shall not be proved to the satisfaction of such Barrister, or in case it shall be proved that such person was then incapacitated by any law or statute from voting in the election of a Member of the Legislative Council or of the House of Assembly, as the case may be, such Revising Barrister shall expunge the name of every such person from the said lists: Provided always, that where any person whose name appears on any list of persons entitled to vote for any Electoral District shall be objected to on the ground of having changed his place of abode without having sent in a fresh notice of claim, it shall be lawful for the Revising Barrister, on revising the list, to retain the name of such person on the list of persons entitled to vote, provided that such person, or some one in his behalf, shall prove that he possessed in the year one thousand eight hundred and fifty-six on the last day of March, and in every succeeding year on the ninth day of February, the same qualification in respect of which his name has been inserted in such list, and shall also supply his true place of abode, which the Revising Barrister shall insert in such list.

Persons claiming to be registered as electors [illegible] to support claim, unless summoned.

28. No person claiming to be registered as an elector in any Electoral District shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless summoned to attend.

Revising Barrister may adjourn Courts, and may summon any person to attend such Court as witness, and may tender an oath to any such person.

29. The Revising Barrister holding any Court under this Act shall have power to adjourn such Court from time to time, provided that no such Court shall be adjourned beyond the said fourteenth day of August one thousand eight hundred and fifty-six, and the twenty-fifth day of June in every succeeding year; and such Revising Barrister shall have power to summon any person to attend his Court as a witness, and in such summons to require any person having the custody of any deed or other document, or any book containing any rate made in or for any city or town, or any part of this colony, during that or the preceding year, to produce the said deed or document or book, and allow the same to be inspected by such Court, and shall have power to administer an oath to the Returning Officer, and to all persons claiming to be inserted in or making objections to the omission or insertion of any name in any of the said lists, and to all

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persons objected to in any such list, and to all persons claiming to have any mistake in any such list corrected, and to all witnesses who may be tendered or examined on either side, by which oath the person under examination shall be required to state the truth, the whole truth, and nothing but the truth, relating to the matter in hand; and if any such person shall wilfully and knowingly swear falsely in answer to any lawful question put to him at such examination, he shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury; and the Revising Barrister holding such Court shall in open Court write his initials against the names struck out or inserted and against any part of the said lists in which any mistakes or omissions shall have been corrected or supplied, and shall sign his name to every page of the several lists which shall be so revised and settled at such Court.

Punishment of persons guilty of perjury.

Revising Barrister to sign lists at bottom of page, and all alterations in lists.

Revising Barristers to return corrected lists and Electoral Roll to Clerks of the Peace, who shall keep them amongst the records of their office.

30. When the said lists of an Electoral District for the return of a Member to the Legislative Council shall have been so revised and settled by the Revising Barrister, such Revising Barrister shall forthwith return the same so signed by him as aforesaid, together with an alphabetical list, also to be signed by him, both at the end and at the bottom of each page thereof, of all persons whom such Revising Barrister shall have determined to be entitled to be upon the Electoral Roll, to the Clerk of the Peace of Launceston if such district be one of the Northern Electoral Districts, and to the Clerk of the Peace of Hobart Town if such district be one of the Southern Electoral Districts; and when the said lists of an Electoral District for the return of a Member to the House of Assembly shall have been so revised and settled by the Revising Barrister, such Revising Barrister shall return the same, so signed by him as aforesaid, together with an alphabetical list, also to be signed by him, of all persons whom such Revising Barrister shall have determined to be entitled to be upon the Electoral Roll for such district, to the Clerk of the Peace of Launceston if such district be one of the Northern Electoral Districts, and to the Clerk of Hobart Town if such district be one of the Southern Electoral Districts; and the said Clerk of the Peace for Launceston and Hobart Town respectively shall keep and preserve such revised lists amongst the records of their office; and the said alphabetical lists of persons entitled to be upon the Electoral Rolls, when so made up and signed by such Revising Barristers, and transmitted with the said revised lists to the Clerk of the Peace, shall be the Electoral Rolls for such districts of persons entitled to vote at any election of a Member of the Legislative Council or House of Assembly, as the case may be, which shall take place for such districts between the twenty-fifth day of June in the year wherein such Electoral Roll shall have been made and the twenty-fifth day of June in the succeeding year: Provided, that if in any year the Electoral Roll of any Electoral District shall be omitted to be regularly made out, or shall not be perfected, then the Electoral Roll for the preceding year shall be the Electoral Roll for such district for that year.

Revising Barrister to assign polling place to each elector, and to make out alphabetical lists of electors under each polling place.

31. The said Revising Barrister shall write opposite to the name of each of the Electors whom he shall determine to be entitled to be upon the Electoral Roll the polling place within the Electoral District at which such Elector shall vote, and such Elector shall not be entitled to vote at any other polling place than that which shall be so assigned to him by the Revising Barrister: Provided that, as to the districts of Hobart and Hobart Town, the polling lists shall be so arranged that no elector living within the boundaries of any one of the late wards of the city of Hobart Town, and which wards were proclaimed and set forth in the "Hobart Town Gazette" of Tuesday the eighth day of September one thousand eight hundred and forty-six, shall be permitted or required to vote at any polling place out of the boundaries of such late ward in which he may be so resident. And the Revising Barrister shall make out separate alphabetical lists under the head of each polling place of the electors assigned to each polling place, and shall transmit copies of such lists signed by him to the Clerk of the Peace, together with the said Electoral Roll, who shall publish such lists in the "Hobart Town Gazette," and in one or more newspapers.

Clerk of the Peace of Launceston to transmit to Returning Officer of "Northern Electoral District" the Electoral Rolls of such districts, and sufficient number of printed copies thereof.

32. And the Clerk of the Peace for Launceston shall cause a sufficient number of copies of the Electoral Roll and also of the said polling lists for each of the Northern Electoral Districts to be printed, and shall then forward to the Returning Officer of each of such districts the Electoral Roll of such district, and the said polling lists, having first countersigned the same, and which Electoral Roll and polling lists shall be safely kept by such Returning Officer and his successors; and such Clerk of the Peace shall preserve one printed copy of each of such Electoral Rolls and of such polling lists to be signed by him, as a record in his office, and also send to such Returning Officer a number of the printed copies of such Electoral Roll and polling lists.

The same with reference to "Southern Electoral Districts," mutatis mutandis.

33. And the Clerk of the Peace of Hobart Town shall cause a sufficient number of copies of the Electoral Roll and also of the said polling lists for each of the Southern Electoral Districts to be printed, and shall then forward to the Returning Officer of each of such districts the Electoral Roll of such district and the said polling lists, having first countersigned the same, and which Electoral Roll and polling lists shall be safely kept by such Returning Officer and his successors; and such Clerk of the Peace shall preserve one printed copy of each of such Electoral Rolls and polling lists, to be signed by him, as a record in his office, and shall send to such Returning Officer a sufficient number of printed copies of such Electoral Roll and polling lists.

34. And the Returning Officer of each Electoral District shall deliver any of such printed copies of the Electoral Roll and of the polling lists of his district to any persons requiring the same, and paying for each copy required at the rate of four-pence for every one hundred words.

Returning Officers to deliver printed copies of Electoral Rolls to persons applying for same.

35. It shall be lawful for any person who, under the provisions herein before contained, shall have made any claim to have his name inserted in any list, or made any objection to any other person as not entitled to have his name inserted in any list, or whose name shall have been expunged from any list, and who in any such case shall be aggrieved by or dissatisfied with any decision of the Revising Barrister on any point of law material to the result of such case, either by himself or by some person on his behalf, to give to the Revising Barrister in Court, before the rising of the said Court, on the same day on which such decision shall have been pronounced, a notice in writing that he is desirous to appeal, and in such notice shall shortly state the decision against which he desires to appeal; and the said Revising Barrister thereupon shall state in writing the facts which according to his judgment shall have been established by the evidence in the case, and which shall be material to the matter in question, and shall also state in writing his decision upon the whole case, and also his decision upon the point of law in question appealed against; and the said Revising Barrister shall read the said statement to the appellant in open Court, and shall then and there sign the same; and the said appellant, or some one on his behalf, shall at the end of the said statement make a declaration in writing under his hand to the following effect, that is to say, "I appeal from this decision;" and the said Barrister shall then indorse upon every such statement the name of the Electoral District to which the same shall relate, and also the Christian name and surname and place of abode of the appellant and of the respondent in the matter of the said appeal, and shall sign and date such indorsement; and the said Revising Barrister shall deliver such statement, with such indorsement thereon, to the said appellant, to be by him transmitted to the Registrar of the Supreme Court in the manner hereinafter mentioned; and the said Revising Barrister shall also deliver a copy of such statement, with the said indorsement thereon, to the respondent in such appeal who shall require the same.

Persons dissatisfied with decision of Revising Barrister may appeal.

36. In the matter of every such appeal the party in whose favour the decision appealed against shall have been given shall be the respondent; but if there be no such party, or if such party or some one on his behalf shall in open Court decline, and state in writing that he declines, to support the decision appealed against as respondent, then and in every such case it shall be lawful for the Revising Barrister to name any person who may be interested in the matter of the said appeal, and who may consent, or the Returning Officer of the Electoral District, and such person so consenting, or such Returning Officer as aforesaid, shall be deemed to be the Respondent in such appeal.

Who shall be respondent in such appeal.

37. If it shall appear to the Revising Barrister that the validity of any number of such claims or objections determined by him at any Court as aforesaid depends, and has been decided by him, upon the same point of law, and the parties or any of them aggrieved by or dissatisfied with his decision thereon shall have given notice of an intention to appeal therefrom, it shall in such case be lawful for the Revising Barrister to declare that the appeals against such decision ought to be consolidated; and he shall in such case state in writing the case, and his decision thereon, in manner herein before mentioned, and that several appeals depend upon the same decision, and ought to be consolidated, and shall read such statement, and sign the same, as herein-before mentioned; and thereupon it shall be lawful for him to name any person interested, and consenting for and on behalf of himself and all other persons in like manner interested in such appeals, to be appellant or respondent respectively in such consolidated appeal, and to prosecute or answer the said appeal in like manner as any appellant or respondent might in his own case; and the person so named as appellant in such considated appeal, or some one on his behalf, shall at the end of the said statement make and sign a declaration in the form or to the effect following; that is to say,—

Appeals, where more than one, may be consolidated by Revising Barrister, who shall appoint appellant and respondent in such consolidated appeal. Such appellant and respondent to make and sign declaration.

"I, for myself and on behalf of all other the persons who are interested as appellants
"in this matter, and whose names are hereunder written, do appeal against this
"decision, and agree to prosecute this appeal;"

and the person so named respondent in such consolidated appeal, or some one on his behalf, shall in like manner make and sign a declaration in writing in the form or to the effect following:

"I, for myself and on behalf of all the other persons interested as respondents in this
"matter, and whose names are hereunder written, do agree to appear and answer
"this appeal;"

and the name, and, where necessary, the particulars of the qualification of every party intended to be joined in such consolidated appeal, shall be written under the aforesaid declaration of the appellant or respondent respectively to which they may respectively refer: Provided always, that it shall be lawful for the Revising Barrister, if necessary, in any case to name the Returning Officer of the Electoral District to be and such Returning Officer shall be the respondent in such consolidated appeal, without any declaration being made or signed by him as hereinbefore mentioned.

38. In every such consolidated appeal the like proceedings shall be had, and the like rules and regulations shall apply, as in the case of any separate appeal, and every decision

Mode of procedure in consolidated appeals.

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of the Supreme Court shall be equally valid and effectual, and binding and conclusive, upon all the parties named in or referred to as parties to such consolidated appeal; and if in any case any of the parties to such consolidated appeal shall enter into any agreement as to the mode of contributing among themselves to the costs and expenses of such appeal, the said agreement may, upon the application of any party thereto, be made a rule of the Supreme Court, if the said Court shall think fit; Provided always, that if any such consolidated appeal shall not be duly prosecuted or answered, it shall be lawful for the said Supreme Court, or for any Judge of the said Court to give to any party interested in such appeal, upon application, the conduct and direction of such appeal, or of the answer thereto respectively, as the case may require, instead of or in addition to any person named as aforesaid as appellant or respondent, and in such manner and upon such terms as the said Supreme Court or a Judge thereof may direct, or to make such other order in the case as may seem meet: Provided also, that if after the said Revising Barrister shall as aforesaid have declared that the appeal in any case ought to be with others consolidated, any party interested in such appeal shall object and refuse to be a party to or to be bound by any such consolidated appeal, then the appeal in which such person is interested may proceed separately, but such person so refusing or objecting shall be liable to pay costs to the other party, but shall not be entitled to receive any costs unless the said Supreme Court otherwise order.

Persons making frivolous claims or objections to pay costs, notwithstanding notice of appeal given.

39. If in any case it shall appear to the Revising Barrister holding any Court as aforesaid that any person shall have made or attempted to sustain any frivolous and vexatious claim or objection or title to have any name inserted or retained in any list of persons entitled to vote, it shall be lawful for such Revising Barrister, in his discretion, to make such order as he shall think fit for the payment by such person of the costs, or of any part of the costs, of any person in resisting such claim or objection or title, such order being in writing, and specifying the sum (such sum not to exceed ten pounds) to be paid for such costs, and by, and to whom, and when and where to be paid; and such order shall be delivered to the person to whom the said sum shall therein be ordered to be paid; and such order for payment of costs may be made in any case, notwithstanding any party shall have given notice of his intention to appeal against any decision of the Revising Barrister in the same case; but in case of such appeal the order for the payment of costs shall be suspended, and shall abide the event of such appeal, unless the Court of Appeal shall otherwise direct, but no appeal shall be allowed or entertained against or only in respect of any such order for the payment of costs; and whenever any such order for the payment of costs by any person who shall have made any objection as aforesaid shall have been made, it shall not be lawful for the Revising Barrister to hear or admit proof of any other objection or notice of objection made or signed by the same person, until the sum of money so ordered to be paid by him for costs be paid to the person entitled to receive the same, or deposited in the hands of the Revising Barrister in Court, for the use of the person so entitled.

Appellant to transmit to Registrar of Supreme Court statement of appeal, and notice of intention to prosecute same.

Registrar to enter every appeal.

40. The appellant in every appeal shall, within the first four days of the next term after the decision to which such appeal shall relate, transmit to the Registrar of the Supreme Court the statement in writing so signed by the Revising Barrister as aforesaid, and shall also send a notice in writing stating his intention to prosecute his appeal to the said Registrar, and also to the respondent; and the Registrar shall forthwith enter every appeal of which he shall have received due notice in a book to be kept by him for that purpose.

Judges of Supreme Court to make arrangements for hearing appeals, and may make general rules and orders regulating the practice upon same.

41. The Judges of the Supreme Court shall make arrangements for hearing the appeals as entered, and shall appoint certain days, either in term time or vacation, for the purpose of hearing and deciding such appeals, and shall cause public notice to be given of the time and place appointed by them for such purpose; and it shall be lawful for the said Judges to make any general rules and orders regulating the practice upon such appeals, as they may deem fit.

No appeal to be heard unless notice sent to Registrar of Supreme Court, or if respondent do not attend.

42. No appeal, except where the conduct and direction of the appeal, or of the answer thereto, shall have been given by order of the Supreme Court or of a Judge thereof to any person, shall be entertained or heard unless notice shall have been given by the appellant to the Registrar in the time and manner before mentioned; and no appeal shall be heard in any case where the respondent shall not appear, unless the appellant shall prove that due notice of his intention to prosecute such appeal was given or sent by post to the respondent ten days at least before the day appointed for hearing such appeal; but if it shall appear to the Court that there has not been reasonable time to give or send such notice, then the Court may postpone the hearing of the appeal in such case as to the Court shall seem meet.

No appeal allowed upon question of fact only.

43. No appeal or notice of appeal shall be received or allowed against any decision of the Revising Barrister upon any question of fact only, or upon the admissibility or effect of any evidence or admission adduced or made in any case to establish any matter of fact only: Provided always, that if the Supreme Court shall be of opinion in any case that the statement of the matter of the appeal is not sufficient to enable them to give judgment in law, it shall be lawful for the said Court to remit the said statement to the Revising Barrister by whom it shall have been signed, in order that the case may be more fully stated.

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44. Every judgment or decision of the Supreme Court shall be final and conclusive in the case upon the point of law adjudicated upon, and shall be binding upon every Committee of the Legislative Council and upon every Committee of the House of Assembly appointed for the trial of any petition complaining of the undue return of a Member to the Legislative Council or to the House of Assembly, as the case may be.

Decision of Supreme Court to be final in all cases, and made binding upon Committees of Legislative Council and House of Assembly respectively.

45. Whenever, by any judgment or order of the said Court, any decision or order of the Revising Barrister shall be reversed or altered so as to require any alteration or correction of the Electoral Roll for such Electoral District, notice of the said judgment or order of the said Court shall be forthwith given by the said Court to the Returning Officer having the custody of the Electoral Roll for such Electoral District; and the said notice shall be in writing under the hand of the Registrar of the said Court, and shall specify exactly every alteration or correction to be made in pursuance of the said judgment or order in the said Electoral Roll for such Electoral District; and the Returning Officer shall upon the receipt of the said notice alter or correct the Electoral Roll and polling-lists for such Electoral District accordingly, and shall sign his name against every such alteration or correction in the Electoral Roll and polling-lists for such Electoral District, and shall safely keep and hand over to his successor every such notice received by him from the said Court as aforesaid, together with the said Electoral Roll and polling-lists for such Electoral District, and shall forthwith send a copy of such notice and of such alteration in the Electoral Roll and polling-lists to the Clerk of the Peace in whose division such Electoral District may be.

Registrar of Supreme Court to give Notice to Returning Officer of any alteration made in Electoral Roll by decision of Supreme Court in any appeal; Returning Officer to make such alteration.

46. No right of voting at any Election of a Member of the Legislative Council, or at any Election of a Member of the House of Assembly, shall be affected by any appeal pending in the said Court at the time of the issuing of the Writ for such Election, but it shall be lawful for every person to exercise the right of voting at such Election as effectually, and every vote tendered thereat shall be as good, as if no such appeal were pending; and the subsequent decision of any appeal which shall be pending in the said Court at the time of the issuing of the Writ for any such Election shall not in any way whatsoever alter or affect the poll taken at such Election, nor the return made thereat by the Returning Officer.

Pending appeal not to affect the right to vote at any Election.

47. It shall be lawful for the said Court to make such order respecting the payment of the costs of any appeal, or of any part of such costs, as to the Court shall seem meet: Provided always, that it shall not be lawful for the said Court in any case to make any order for costs against or in favour of any respondent, or person named as respondent as aforesaid, unless he shall appear before the said Court in support of the decision of the Revising Barrister in question.

Supreme Court may make any order as to payment of costs of appeal as shall seem meet.

48. It shall be lawful for the Revising Barrister holding any Court under this Act, by order in writing under his hand, to require any person who shall disobey any lawful summons, order, or direction of such Revising Barrister, or who shall misconduct himself, or be guilty of any improper behaviour in any such Court, to pay a fine not exceeding fifty pounds.

Revising Barrister may fine any person disobeying any summons issued by him, or misconducting themselves in any Court held by such Revising Barrister.

49. In case any sum of money by the order of the Revising Barrister as aforesaid directed to be paid by any person by way of fine or for costs shall not be paid according to the terms of such order, such sum shall be recoverable as penalties are recoverable under the provisions of the Magistrates Summary Procedure Act, 1855.

Recovery of fines or costs.

Part III.

Mode of Election.

50. The Writ for the Election of any Member to serve in the Parliament of Tasmania for the said Electoral Districts, whether for the purpose of any General Election or in the case of any vacancy, shall be issued by the Governor forthwith (in case of vacancy) directed to the Returning Officer of each district, in which Writ shall be named the day and place of nomination for such Election, and in the event of such Election being contested the day for taking the poll at the different polling-places, and also the day on which such Writ shall be made returnable to the said Governor; and all such Writs shall be returnable within thirty days.

Governor to issue Writs for any Election.

Such Writs to contain day and place of nomination, day of taking poll, and day when returnable.

51. All such Writs may be framed in any manner and form which shall be sufficient for carrying the provisions of this Act into effect.

Writs may be framed in any manner sufficient for carrying Act into effect.

52. At any Election the Returning Officer shall cause booths to be erected, or rooms to be hired or otherwise obtained, at each polling-place, as occasion may require, and the same shall be so divided and arranged as to the Returning Officer shall seem best adapted for carrying out the provisions of this Act, but so that at each polling place there shall be an inner room or compartment, opening only into the room in which the ballot-box is kept, and plentifully supplied with writing materials, in which the person voting shall be enabled to fill up his ballot-paper as herein-after provided, in perfect secrecy, and with perfect security from interruption; and the Returning Officer shall, before the day fixed for the Election, if there be a contest, cause to be furnished for the use of each polling-place a sufficient number of copies of the Electoral Roll, and of the polling-lists of the

Returning Officer to cause booths to be erected at each polling-place; and to supply ballot-boxes and sufficient writing materials; and to furnish each booth with copies of Electoral Roll and polling-lists.

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Electoral District for which such Election shall take place, and shall under his hand certify such copies to be true; and shall also provide for each of such polling-places a ballot-box with a secure lock, and with an aperture through which the ballot-papers are to be thrown into such ballot-box.

Returning Officer to preside and take the poll at one polling-place in his Electoral District, and to appoint deputy to preside and take poll at the other polling-places.

53. The Returning Officer of each Electoral District shall preside at one polling-place within or allotted for his district, and which polling-place shall be deemed to be the principal polling-place, and he shall appoint a deputy to act for him and take the poll at each of the other polling-places; and such deputy shall be appointed by writing under the hand of the said Returning Officer.

Oath to be taken by Returning Officer and Deputy Returning Officer.

54. The Returning Officer and each Deputy Returning Officer shall, before the day of nomination at any Election, take the following oath before some Justice of the Peace:—

"I, A.B., the Returning Officer [or one of the Deputy Returning Officers] for the "Electoral District of for the Return of a Member [or Members] of "the Legislative Council [or House of Assembly, as the case may be], do swear, that I "will faithfully assist in the said Election, and that I will not in any manner interfere "with any Elector when filling up his ballot-paper, or attempt to ascertain the name or "names of the Candidate or Candidates for whom any Elector shall record his vote; "and in case I should become acquainted with the name or names of the Candidate or "Candidates for whom any Elector shall record his vote, then that I will not disclose "to any person whomsoever the fact so coming to my knowledge. So help me God."

And any Returning Officer or Deputy Returning Officer acting in any manner whatever in contravention of such oath shall be deemed guilty of a misdemeanor.

When proceedings interrupted by riot, &c., Returning Officer may adjourn such nomination or taking of poll, as the case may be.

55. Where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence, whether such proceedings shall consist of the nomination of Candidates or of the taking the poll, the Returning Officer or the deputy of the Returning Officer shall not for such cause terminate the business of such nomination nor finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling-place at which such interruption or obstruction shall have happened until the following day, and if necessary shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the Returning Officer or his deputy shall again proceed with the business of the nomination or with the taking the poll, as the case may be, at the place at which the same may have been interrupted or obstructed, and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the Election, and the commencement of the poll shall be regulated accordingly, and any day whereon the poll shall have been so adjourned shall not as to such place be reckoned the day of polling at such Election within the meaning of this Act; and whenever the poll shall have been so adjourned by any deputy of any Returning Officer, such deputy shall forthwith give notice of such adjournment to the Returning Officer, who shall not finally declare the state of the poll or make proclamation of the Member chosen until the poll so adjourned at such place as aforesaid shall have been finally closed, and the abstract of the state of the poll and the ballot-papers delivered or transmitted to such Returning Officer.

The Returning Officer to endorse Writ when received.

56. The Returning Officer of each Electoral District shall endorse on the Writ the day on which he received it, and within four days from the date of his receiving such Writ shall give public notice of the day and place of nomination and day for taking the poll named in such Writ.

Mode of procedure on day of nomination.

57. On the day of nomination the Returning Officer shall preside at a meeting to be holden at noon at the place named for that purpose in the Writ, and shall declare the purpose for which such meeting is held; and if there be at such meeting only the same number of Candidates proposed as there are vacancies, the Returning Officer shall declare such Candidate or Candidates to be duly elected, and make his return accordingly; and in the event of there being more Candidates than the number of vacancies, the Returning Officer shall call for a show of hands separately in favour of each Candidate, and after such show of hands shall declare the person or persons on whom the Election has fallen, and shall return the same accordingly, unless a poll be demanded by any of the Candidates or by not less than six Electors on his behalf; and on such demand being made for a poll the polling shall take place at the different polling-places for such Electoral District on the day appointed by the Governor in the Writ for that purpose, and which day shall not be less than four or more than six days from the day of nomination, and no other Candidates than those put in nomination shall be eligible for Election.

Candidates proposed to be present at nomination.

Absent candidates to give consent in writing.

58. No person shall be put in nomination at any Election under this Act unless such person shall be proposed by one Elector and seconded by another Elector, and shall be present at such nomination, and shall consent thereto, or unless the Elector proposing to nominate any person not present shall produce to the Returning Officer the consent in writing of the person so proposed for nomination.

Clerks of the Peace to forward to Returning Officers sufficient number of ballot papers before day of nomination; same to be signed by Clerk of the Peace, and

59. The Clerk of the Peace for Launceston in the case of an Election for any of the Northern Electoral Districts, and the Clerk of the Peace for Hobart Town in the case of an Election for any of the Southern Electoral Districts, shall, seven days before the day of nomination at any such Election, forward to the Returning Officer of each Electoral District in which such Election is about to take place a number of ballot-papers equal to the number of Electors upon the Electoral Roll of such Electoral District; such ballot-

papers to be signed by such Clerk of the Peace, and to be countersigned immediately upon their receipt by such Returning Officer, and to be in the Form numbered 1 in Schedule F., if the Election be for the return of a Member to the Legislative Council, and in the Form numbered 2 in such Schedule if the Election be for the return of a Member of the House of Assembly.

countersigned by Returning Officer upon receipt.

60. And such Returning Officer shall, immediately after a poll shall have been demanded at such nomination, cause to be written in a clear round hand, or to be printed on each of such ballot-papers the names of all the Candidates so put in nomination, such names to be written or printed in alphabetical order, and to be numbered in figures in regular succession; and such Returning Officer shall also cause such names to be painted or printed on placards, one or more of which placards shall be placed in each room of each polling-place, and also in some conspicuous position on the outside of each polling-place.

Returning Officer to cause names of Candidates to be written or printed on ballot-papers.

Publication of names of Candidates.

61. The Election of Members of the said Legislative Council and of the said House of Assembly at each polling-place shall be held before the Returning Officer or his deputy, and the voting at every such Election shall commence at nine o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, unless adjourned by reason of riot or interruption, as herein-before provided for, and shall be conducted in manner following; (that is to say,)

Elections to be held before Returning Officers or deputies.

Voting to take place only between hours of nine and four o'clock of same day.

62. Each Candidate shall appoint one or more persons, not exceeding three at each polling-place, to be Scrutineers at such Election, and who shall be entitled to be present in the room in which the ballot-papers are received as hereafter provided, but who shall immediately upon their selection by such Candidate take the following oath in the presence of, and which oath shall be administered by, the Returning Officer or his deputy:—

Candidates entitled to appoint Scrutineers. Declaration to be made by same.

No person except Elector entitled to be in room at time of giving vote.

"I, A. B., a Scrutineer appointed by a Candidate at the Election of a "Member to serve in the Legislative Council, [or in the House of Assembly, as the case "may be], for the District of do swear that I will faithfully assist in the said "Election, and that I will not in any manner interfere with any Elector when filling up "his ballot-paper, or attempt to ascertain the name or names of the Candidate or "Candidates for whom any Elector at such Election shall record his vote; and in case "I should become acquainted with the name or names of the Candidate or Candidates "for whom any Elector shall record his vote, then that I will not disclose to any person "whomsoever the fact so coming to my knowledge. So help me GOD."

Persons intruding guilty of misdemeanor.

But no person other than the Elector who shall for that time be tendering his vote' shall be entitled to be present in the inner room in which the ballot-papers are filled up by the Electors as hereafter provided; and any Scrutineer doing any act in contravention of such oath, and any person other than such Elector actually recording his vote who shall intrude into such room, shall be deemed guilty of a misdemeanor.

63. Each Elector shall be entitled to enter unattended into the room appointed for the ballot at such Election, and in which the ballot-box shall be kept; and shall, having first signed his name or placed his mark opposite to his name upon the Electoral Roll, or copy of the Electoral Roll, there receive from the Returning Officer or his Deputy a ballot-paper in the Form numbered 1 in Schedule F. in the case of an Election for a Member of the Legislative Council, and in the Form numbered 2 in such Schedule in the case of an Election for a Member of the House of Assembly; and such Elector shall then immediately take such ballot-paper into the inner room or compartment provided for such purpose, and shall there without delay strike through in ink the name or names of such Candidate or Candidates for whom he does not intend to vote, but so that if there be only one Member to be returned for such Electoral District he only leave one name not struck out, and if there be more than one Member to be returned for such district he does not leave the names of more Candidates not struck out than there are Members to be returned for such Electoral District; otherwise such ballot-paper shall be invalid; and when such Elector shall have struck through the name or names of such Candidate or Candidates, such Elector shall fold up such ballot-paper, and shall immediately take the same into the room in which the ballot-box is placed, and shall place such ballot-paper in the ballot-box; and immediately such Elector shall have so placed his ballot-paper in the ballot-box he shall leave the room, and shall not re-enter during the same Election; and no two Electors shall remain in the inner room at the same time, nor shall an Elector take any such ballot-paper out of the room in which such ballot-box is placed excepting into the said inner room or compartment, and then only for the purpose of striking through the name or names of the Candidate or Candidates for whom he does not intend to vote; and any Elector wilfully contravening any of the provisions herein contained shall be deemed guilty of a misdemeanor.

Mode of Election by ballot.

Electors contravening any provision contained herein guilty of misdemeanor.

64. No inquiry shall be permitted at any Election as to the right of any person to vote, except only as follows; (that is to say,) the Returning Officer or his deputy shall, if he shall think fit, or if required by any of such Scrutineers, put to any person tendering himself as an Elector, at the time of or before any ballot-paper is delivered to him, and not afterwards, the following questions or any of them, and no other:—

Questions to be put to Elector by Returning Officer or deputy.

Are you the person whose name appears as [here specify the name contained in the Electoral Roll] in the Electoral Roll of Electors for the [here specify whether

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Legislative Council or House of Assembly] now in force for this Electoral District, being registered therein in respect of your qualification as [here specify the nature of qualification as described in the Electoral Roll]?

Have you already voted at the present Election?

Have you the same qualification for which your name is inserted in the Electoral Roll of Electors for the [here specify whether Legislative Council or House of Assembly] for the district of [insert name of district]?

Oaths to be administered to Elector by Returning Officer or deputy.

65. The Returning Officer or his deputy shall, if he shall think fit, or if required by any such Scrutineer, at the time aforesaid, administer an oath to any person so claiming a right to vote, in the following form; (that is to say,)

"I do swear, that I am the same person whose name appears as [here specify name] on "the Electoral Roll of Electors for the [here specify whether Legislative Council or "House of Assembly] now in force for the Electoral District of [here specify Electoral "District]. So help me God."

And such Returning Officer or his deputy shall likewise, if he shall think fit, or if required by any such Scrutineer, administer the oath following against bribery—

"I do swear, that I have not received or had by myself, or any "person whatsoever in trust for me, or for my use or benefit, or for the use or benefit of "any member of my family or kindred, or any friend or dependent, directly or indirectly, "any sum or sums of money, office, place of emolument, gift, or reward, or any promise "or security for any money, office, employment, place of emolument, gift, or reward by "way of consideration, expressed or implied, for giving my vote at this Election. So "help me God."

No person entitled to vote until questions answered or oath taken.

66. No person so required to answer any such question or take any such oath as aforesaid, shall be qualified or permitted to vote until he shall have answered such question or taken such oath.

Persons answering or swearing falsely guilty of a misdemeanor.

67. If any person shall wilfully make a false answer to any of such questions, or shall upon any such oath wilfully and corruptly swear falsely, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall suffer the like penalties as persons convicted of wilful and corrupt perjury.

Under what circumstances Electors to take oath or make affirmation.

68. No Elector shall at any such Election be required to take any oath, except as aforesaid, either in proof of his qualification or right to vote, or otherwise; and no person claiming to vote at any such Election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer or his deputy, upon putting such questions as aforesaid or any of them, that the person so claiming to vote is not the person whose name appears on such Electoral Roll as aforesaid, or that he has previously voted at the same Election, or that he has not then the same qualification for which his name was inserted in such Electoral Roll, or except by reason of such person refusing to answer the questions or take the oaths aforesaid, or any of them.

Deputy Returning Officer on close of the poll to collect and seal up in presence of Scrutineers all balloting papers, and deliver same to Returning Officer with the least possible delay.

69. Each Deputy Returning Officer shall, immediately on the close of the poll, and not before, in the presence of such of the said Scrutineers as shall choose to attend, make out and sign an abstract of the result of the ballot at such polling-place, and shall collect and seal up all the ballot-papers which have been taken at the polling-place whereat he presided, and shall, with the least possible delay, deliver the said abstract and the said ballot-papers, or cause the same to be delivered, together with the copy of the Electoral Roll, so signed by the Electors who shall have voted, to the Returning Officer of the Electoral District for which he shall act; and shall return to the Clerk of the Peace of Hobart Town in the case of one of the Southern Electoral Districts, and to the Clerk of the Peace of Launceston in the case of one of the Northern Electoral Districts, such of the ballot-papers as shall not be used at such Election.

Returning Officer to declare state of poll, and to have a casting vote where numbers equal.

Returning Officer not otherwise entitled to vote.

Deputy Returning Officer may vote as though not appointed.

70. The Returning Officer of each Electoral District shall, in the presence of such of the Scrutineers appointed at such Election as shall choose to attend, open the several packets so forwarded by the Deputy Returning Officers, and also the ballot-box at the polling-place at which such Returning Officer shall have presided, and shall make out and sign an abstract of the result of the ballot at the poll taken throughout the whole of the polling-places of such Electoral District, and shall at the place of nomination, and as soon as may be practicable after the Election shall have been held, openly declare the general state of the poll at the close of the Election as the same shall have been so made up and ascertained by him from the ballot-papers taken at the several polling-places, and shall at the same time and place declare the name or names of the person or persons who shall have been duly elected at such Election; and in the event of the number of votes being found to be equal for any two, such Returning Officer may, by his casting vote, decide which of the said Candidates shall be elected: Provided, however, that no Returning Officer shall vote at any Election for the Electoral District of which he is the Returning Officer, except in the case of an equality of votes as aforesaid: Provided also, that it shall and may be lawful for the deputy of any Returning Officer to vote at any Election for the Electoral District for which he is registered as an Elector, in like manner as if he had not been appointed and acted as Deputy Returning Officer for such Electoral District; and such Returning Officer shall return to the Clerk of the Peace for Hobart Town in the case of one of the Southern Electoral Districts, and to the

Clerk of the Peace for Launceston in the case of one of the Northern Electoral Districts, such of the ballot-papers as shall not be used at such Election.

Name of person elected to be endorsed on Writ.

71. The name of the person so elected shall be inserted in or endorsed on the Writ by the Returning Officer, and such Writ shall be returned to the Governor within the time for that purpose specified therein.

Writ to be returned to Governor.

Ballot papers to be sealed up and transmitted by Returning Officer to the Clerk of the Legislative Council and House of Assembly respectively, who shall keep same five years.

Such Clerks may produce same before Committees of Elections and Qualifications, and in any Court of Justice, upon any question arising referring to any Election.

72. All ballot-papers taken at the Election of a Member of the Legislative Council, together with the said abstracts and copies of the Electoral Roll, shall be sealed up by the Returning Officer, and transmitted to the Clerk of the Legislative Council, and all ballot-papers taken at the Election of a Member of the House of Assembly, together with the said abstracts and copies of the Electoral Roll, shall be in like manner sealed up by the Returning Officer, and transmitted to the Clerk of the House of Assembly, who severally shall safely keep the same for the period of five years after the receipt thereof, and the sealed packets containing the same shall on the outside thereof be described to be the ballot-papers of the Electoral District to which they relate, and be signed by the said Returning Officer; and in case any question shall at any time arise touching any vote alleged to have been given at any Election, the ballot-paper containing such vote shall upon production thereof, together with a certificate thereon under the hand of the Clerk of the Legislative Council or of the Clerk of the House of Assembly, as the case may be, for the time being, that the same came to and then was in his custody as such Clerk of the Legislative Council or as such Clerk of the House of Assembly, be received in evidence before the Committee of Elections and Qualifications herein-after mentioned, and in any Court of Justice in this Colony, as proof of such ballot-paper having been placed in such ballot-box at such Election.

Writs for return of Members to Legislative Council not to be issued till return of Writs for House of Assembly.

73. At the first General Election holden under this Act, the Writs for the Election of Members for the Legislative Council shall not be issued until after the Writs for Members for the House of Assembly are returnable; and in the event of their being any vacancy in the Legislative Council at the time of a Dissolution of the House of Assembly, the Writ for the return of a Member to fill the said vacancy in the said Legislative Council shall not be issued until after the Writs for the Election of Members for the House of Assembly are returnable.

Part IV.

Bribery and Corruption.

Bribery defined, and penalty.

74. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

1. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure, or to endeavour to procure, any money or valuable consideration, to or for any Voter, or to or for any person on behalf of any Voter, or to or for any other person in order to induce any Voter to vote or to refrain from voting, or shall corruptly do any such act as aforesaid, on account of such Voter having voted or refrained from voting at any Election:
2. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or offer, promise, or promise to procure, or to endeavour to procure, any office, place, or employment to or for any Voter, or to or for any person on behalf of any Voter, or to or for any other person, in order to induce such Voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any Voter having voted or refrained from voting at any Election:
3. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure, the return of any person to serve in the Parliament of Tasmania, or the vote of any Voter at any Election:
4. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, or procurement or agreement, procure or engage, promise or endeavour to procure, the return of any person to serve in the Parliament of Tasmania, or the vote of any Voter at any Election:
5. Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any Election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any Election:

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of one hundred pounds to any person who shall sue for the same, together with full costs of suit: Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bonâ fide incurred at or concerning any Election.

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Bribery further defined, and Penalty.

75. The following persons shall also be deemed guilty of bribery, and shall be punished accordingly :—

1. Every Voter who shall, before or during any Election, directly or indirectly, by himself, or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any Election :
2. Every person who shall, after any Election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any Election :

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of one hundred pounds to any person who shall sue for the same, together with full costs of suit.

Treating defined, and Penalty.

76. Every Candidate at an Election who shall by himself, or by or with any person, or by any other ways or means on his behalf, at any time, either before, during, or after any Election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision to or for any person in order to be elected, or for the purpose of influencing such person or any other person to give or to refrain from giving his vote at such Election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such Election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of one hundred pounds to any person who shall sue for the same, with full costs of suit ; and every Voter who shall accept or take any such meat, drink, entertainment, or provision shall be incapable of voting at such Election, and his vote, if given, shall be utterly void and of none effect.

Undue influence defined, and Penalty.

77. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or distraint, or inflict or threaten the infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person, in order to induce or compel such person to vote or to refrain from voting, or on account of such person having voted or refrained from voting at any Election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any Voter, or shall thereby compel, induce, or prevail upon any Voter either to give or to refrain from giving his vote at any Election, shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of one hundred pounds to any person who shall sue for the same, together with full costs of suit.

Names of offenders to be struck out of Electoral Roll, and inserted in separate list.

78. Whenever it shall be proved before the Revising Barrister that any person who is or claims to be placed on the list of persons entitled to vote for any district has been convicted of bribery or undue influence at an Election, or that judgment has been obtained against any such person for any penal sum hereby made recoverable in respect of the offences of bribery, treating, or undue influence, or either of them, then and in that case such Revising Barrister shall, in case the name of such person is in the list of persons entitled to vote, expunge the same therefrom, or shall, in case such person is claiming to have his name inserted therein, disallow such claim ; and the names of all persons whose names shall be so expunged from the list of persons entitled to vote, and whose claims shall be so disallowed, shall be thereupon inserted in a separate list, to be entitled "The List of Persons disqualified for Bribery, Treating, or undue Influence," which last-mentioned list shall be appended to the Electoral Roll, and shall be printed and published therewith, whenever the same shall be or is required to be printed or published.

No cockades, &c. to be given at Elections, and Penalty.

79. No Candidate before, during, or after any Election shall in regard to such Election, by himself or agent, directly or indirectly, give or provide to or for any person having a vote at such Election, or to or for any inhabitant of the district for which such Election is had, any cockade, ribbon, or other mark of distinction ; and every person so giving or providing or receiving or wearing any such cockade, ribbon, or other mark of distinction shall for every such offence forfeit the sum of fifty pounds to such person as shall sue for the same, together with full costs of suit ; and all payments made for or on account of any chairing, or any such cockade, ribbon, or mark of distinction as aforesaid, or of any bands of music or flags or banners, shall be deemed illegal payments within this Act.

Penalties how to be recovered.

80. The pecuniary penalties hereby imposed for the offences of bribery, treating, or undue influence respectively shall be recoverable, with costs, by action or suit, by any person who shall sue for the same in the Supreme Court of Tasmania ; but any action to be brought for penalties imposed by Part 4 of this Act shall be brought within three months after the commission of the act in respect of which such action shall be commenced.

Costs and expenses of prosecutions.

81. It shall be lawful for the Court before which any criminal prosecution shall be instituted for any offence against the provisions of this Act to order payment to the prosecutor of such costs and expenses as to the said Court shall appear to have been reasonably incurred in and about the conduct of such prosecution : Provided always, that

no information for bribery or undue influence shall be triable before any Court of Quarter Sessions.

82. In case of any information by a private prosecutor for any offence against the provisions of this Act, if judgment shall be given for the defendant, he shall be entitled, if the Court so certify, to recover from the prosecutor the costs sustained by the defendant by reason of such information, such costs to be taxed by the proper officer of the Court in which such judgment shall be given.

In cases of private prosecutions, if judgment be given for the defendant, he shall recover costs from the prosecutor.

83. It shall not be lawful for any Court to order payment of the costs of a prosecution for any offence against the provisions of this Act, unless the prosecutor shall, before or upon the granting of the information, enter into a recognizance, with two sufficient sureties, in the sum of fifty pounds, with the conditions following; that is to say, that the prosecutor shall conduct the prosecution with effect, and shall pay to the defendant or defendants, in case he or they shall be acquitted, his or their costs.

Prosecutor not to be entitled to costs unless he shall have entered into a recognizance to conduct prosecution and pay costs.

84. The Revising Barristers appointed under this Act shall be and shall act as Election Auditors in their respective districts, and on their appointment as such Revising Barristers shall, in addition to the declaration by this Act required to be made by them for the due execution of their duties as Revising Barristers, make the following declaration:—

Revising Barristers to act as Election Auditors in their respective districts.

"I [A.B.] do solemnly and sincerely promise and declare, that I will well and truly and "faithfully, to the best of my ability, perform my duty as Election Auditor, according to "the provisions of 'The Electoral Act, 1856:'"

And every Election Auditor wilfully doing any act whatever contrary to the true intent and meaning of such declaration shall be deemed guilty of a misdemeanor.

85. All persons, as well Agents as others, who shall have any bills, charges, or claims upon any Candidate for or in respect of any Election, shall send in such bills, charges, or claims within one month from the day of the declaration of the Election to such Candidate, or to some authorized Agent of such Candidate acting on his behalf, otherwise such persons shall be barred of their right to recover such claims and every or any part thereof: Provided always, that in case of the death within the said month of any person claiming the amount of such bill, charge, or claim, the legal representative of such person shall send in such bill, charge, or claim within one month after obtaining probate or letters of administration, or confirmation as executor, as the case may be, or the right to recover such claim shall be barred as aforesaid.

Bills, &c. to be sent in within one month to Candidate, or right to recover barred.

86. Every Candidate shall by himself or his Agent in that behalf, within three months after the day of the declaration of the Election, or within two months after any bill, charge, or claim has been sent in by the legal representative of any deceased creditor, as herein-before provided, send in to the Election Auditor for payment all such bills, charges, or claims (except as herein-after excepted) as have been sent in to such Candidate, within the month herein-before specified from the day of the declaration of the Election, or after the granting of probate or letters of administration, or confirmation as executor, as the case may be: Provided always, that the Candidate shall, by himself or his Agent as aforesaid, at the time of his sending in any such bill, charge, or claim, state to the Election Auditor whether he admits the whole amount of such bill, charge, or claim, or if not the whole then how much thereof, if any, he admits to be correct: Provided also, that in case of the wilful default of the Candidate, by himself or his Agent as aforesaid, in sending in all such bills, charges, or claims, or in making such statement at the time of sending in such bills, charges, or claims, he shall be liable to a penalty of fifty pounds, and to a further penalty of ten pounds for every subsequent week of wilful default or neglect in sending in all such bills, charges, or claims, or in making such statement, to be recovered by any person who will sue for the same, together with full costs of suit: Provided always, that in case any such Candidate shall be absent from Tasmania at the time of such Election, he shall send in to the Election Auditor for payment any such bills, charges, or claims as aforesaid within one month after his return to Tasmania, which shall be of the same force and effect as if the same had been sent in as herein provided.

Bills, &c. received within one month to be sent in to Election Auditor.

87. No payment of any bill, charge, or claim, or of any money whatever, for or in respect of any Election, or the expenses thereof (except as herein excepted), shall be made by or by the authority of any Candidate except by or through such Election Auditor; and any payment made by or by the authority of any Candidate, otherwise than as herein provided, shall be deemed and taken to be an illegal payment, and upon proof thereof such Candidate shall forfeit the sum of fifty pounds, with double the amount of such illegal payment, and full costs of suit, to any person who will sue for the same: Provided always, that it shall be lawful for any Candidate, by himself or his Agent, to name any banker through whom alone such bills, charges, or claims, or money as aforesaid, shall be paid by the Election Auditor, and in that case the Election Auditor shall pay such bills, charges, and claims by cheques drawn on such banker, to be countersigned by the Candidate, or some person on his behalf specially appointed for that purpose.

No payments to be made except through Election Auditor.

88. If the Election Auditor, by the authority of any Candidate, tenders or offers to pay any sum in respect of any bill, charge, or claim sent in as herein-before provided, such tender shall be taken for all purposes to be the tender of such Candidate, and may, in any action or other proceeding brought against such Candidate to recover the amount of such bill, charge, or claim, be pleaded as such, or otherwise be made available according

Tender and payment into Court by Election Auditor.

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to the proceedings of the Court in which such action or other proceeding is brought or carried on; and if such plea is pleaded, or if it shall be deemed advisable for any other reason to pay money into Court in any action or other proceeding brought against a Candidate in respect of any liability alleged to have been incurred by him at such Election, the Election Auditor may, at the request of the Candidate, and by leave of any one of the Judges of the Supreme Court, pay into Court the sum required; and such payment into Court by the Election Auditor shall, for the purposes of such action, be deemed and taken to be and may be pleaded as payment into Court by the Candidate himself: Provided always, that, on any issue or hearing in reference to any such tender or payment into Court it shall not be necessary to prove the appointment of the Election Auditor.

Copy of judgment and statement of payments made in satisfaction to be sent to Auditor.

89. Nothing in this Act contained (except as herein specially provided) shall be taken to limit the right of any creditor to bring any action or otherwise to proceed against a Candidate for or in respect of any expenses connected with the Election; and if in any action or proceeding final judgment be obtained against such Candidate, such Candidate shall forthwith send to the Election Auditor a copy or certificate of such judgment; and when and as the moneys recovered by the said judgments, or any part thereof, shall be paid or satisfied by such Candidate, or shall be obtained under or by virtue of any execution, the said Candidate shall thereupon forward to the Election Auditor a statement of the moneys so paid or obtained in respect of such judgment.

Consent of Auditor necessary before settling action.

90. No Candidate shall be allowed to compound or settle any action or other proceeding brought against him in respect of any expenses alleged to have been incurred by him in or about the Election, or to confess judgment in such action or proceeding, without the consent of the Election Auditor.

Candidate to pay personal expenses, and expenses of advertising.

91. The personal expenses of any Candidate, and the expenses of advertising in newspapers with reference to any Election, may be defrayed by the Candidate himself, or by his authority, but a full and true account of the sums so paid in respect of the said advertisements shall, as soon as conveniently may be, be made out to the best of his ability, and rendered to such Election Auditor by such Candidate, and the amount of such account shall be included in the general account of expenses incurred at any Election to be made out and kept by such Election Auditor as herein-after provided.

Refreshments to Voters on the days of nomination or polling declared illegal.

92. And to prevent any doubts as to whether the giving refreshment to Voters on the day of nomination or day of polling be or be not according to law, it is declared and enacted, that the giving or causing to be given to any Voter on the day of nomination or day of polling any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such Voter to obtain refreshment, shall be deemed an illegal act, and the person so offending shall forfeit the sum of fifty pounds for each offence to any person who shall sue for the same, together with full costs of suit.

No person to pay expenses of Elections except to Candidate or Election Auditor.

93. No person shall pay or agree to pay any expenses of any Election, or any sum of money whatever, in order or with a view to procure or promote the Election of any person to serve in Parliament save to the Candidate at such Election, or to or under the authority of the Election Auditor, other than as excepted and allowed by this Act; and every person who shall pay or agree to pay any such expenses or money as aforesaid, save as aforesaid, shall become liable to a penalty of fifty pounds, and of double the money so paid or agreed to be paid, to be recovered in an action of debt by any one who shall sue for the same: Provided that, if upon the trial of any action to recover any such penalty or penalties it shall appear to the Judge who shall try the same that any such payment shall have been made or agreed to be made without any corrupt or improper intention, such Judge may, if he shall think fit, reduce such penalty or penalties to any sum not less than two pounds, and may also, if he shall think fit, direct that the plaintiff shall not be entitled to costs of such action: Provided also, that expenses of or relating to the registration of Electors shall not be deemed Election expenses within the meaning of this Act: Provided also, that in any action to recover any penalty under this Act it shall be lawful for the Court in which such action shall be brought, or any Judge thereof, if they or he shall think fit, to order that the plaintiff in such action shall give security for costs, or that all proceedings therein shall be stayed.

Candidates and Agents may make Payments before day of Election.

94. Any Candidate, and his Agents by him appointed in writing according to the provisions of this Act, may, at any time before the day of nomination, pay any lawful and reasonable expenses in respect of the Election which he or they shall bonâ fide believe fit and proper to be paid, in ready money, and the payment of which cannot conveniently be postponed: Provided, that the Candidate and his Agents shall, upon or before the day of nomination, make out to the best of his ability, and deliver to the Election Auditor, a full, true, and particular account of all such payments, with the names of the persons to whom they have been made, signed by such Candidate or his Agents respectively, and no payment so made shall be a legal payment within this Act unless such account thereof shall be duly rendered to the Election Auditor.

Account of Election expenses to be made out by Election Auditor.

95. The Election Auditor shall, as soon as he conveniently can, make out a full account of all the expenses incurred at the Election, specifying therein every sum of money paid to him, or by him, or by his authority, on behalf of each Candidate, and of all sums claimed, although the same shall not have been allowed or paid, and every sum which has been paid into Court as aforesaid, or recovered by judgment against such Candidate, and to whom, by name, such payment was made, and for what particular

debt or liability; and the Election Auditor shall include in such general account the amount of the sums paid by each Candidate for advertisements, and he shall specify therein the total amount of expenses incurred by each Candidate, and the account so made out shall be duly signed by him: Provided always, that, if it shall be found necessary, the Election Auditor may from time to time make out a supplementary account or accounts, which shall be made and abstracted in the manner herein provided with reference to the first general account.

Election auditor to keep accounts in some convenient place, which shall be open to inspection.

96. The Election Auditor shall keep all accounts which shall come to his hands in some fit and convenient place, and shall, at all fit and convenient times, submit the same to the inspection of the Candidates and their Agents, and permit them to take copies of the same or of any part thereof, upon request; and when such general account as aforesaid shall be so made out and signed by him, he shall keep the same in some fit and convenient place; and such general accounts shall be open to the inspection of any person, and copies thereof or of any part thereof shall be furnished to any person at all reasonable and convenient times, upon request, such person paying a fee at the rate of fourpence for every two hundred words to a copying clerk for the same; and when the Election Auditor shall have concluded the business of any Election he shall deliver over all accounts in his hands, if Election Auditor for the Northern Electoral Districts to the Clerk of the Peace of Launceston, if Election Auditor for the Southern Electoral Districts to the Clerk of the Peace of Hobart Town, who shall allow them to be inspected by any person on the payment of two shillings and sixpence, and shall furnish copies of the same or of any part thereof on the payment of a fee, at the rate of fourpence for every two hundred words, to the copying clerk, provided always, that for any copy so furnished the fee shall in no instance be less than two shillings and sixpence, and shall deliver over to the Candidates respectively the balance of all moneys, if any, and all vouchers in his hands, except any vouchers appertaining personally to himself.

Election Auditor to publish abstract of such accounts.

97. The Election Auditor shall also, as soon as he conveniently can, insert or cause to be inserted an abstract of such account, signed by him, in some newspaper published or circulating in the district where such Election is held; and such abstract of account shall specify the amount of each of such bills, charges, or claims admitted to be correct, or claimed and objected to, and the name of the parties to whom the same shall have been paid or are due, or by whom the same have been claimed respectively.

Appointment and notification of Agents.

98. Every Candidate shall, before or at the nomination, or as soon after as conveniently may be, declare to the Election Auditor in writing the name or names of his Agent or Agents for Election expenses, who shall be appointed in writing, and that he has not appointed and will not appoint any other Agent without in like manner declaring the same to the Election Auditor, and no other than such Agents shall have authority to expend any money or incur any expenses of or relating to the Election, in the name or on behalf of the Candidate; and such Agents may pay any of the current expenses of the Election necessary to be paid in ready money, provided that such Agents shall make out to the best of their ability, and render, from time to time, true and particular accounts to the Election Auditor of all such payments; and every such Agent shall, as soon as conveniently may be after his appointment as aforesaid, make and sign the following Declaration:—

"I [A.B.] being appointed an Agent for Election expenses by [X.Y.], a Candidate at "this Election, do hereby solemnly and sincerely declare that I have not knowingly made, "authorized, or sanctioned, and that I will not knowingly make, authorize, or sanction, "any payment on account of this Election otherwise than through the Election Auditor, "save as excepted and allowed by 'The Electoral Act, 1856:'"

And any Agent doing any act contrary to the true intent and meaning of such declaration shall be guilty of a misdemeanor.

Nomination of absent Candidates, expenses.

99. In case any person shall be proposed and seconded at any Election in his absence, and without his previous authority, it shall be lawful to the persons proposing and seconding such person to pay and agree to pay the lawful expenses of the Election of such person; and such proposer and seconder, having agreed to pay such lawful expenses, shall become liable to pay any of the lawful expenses of such Election, in like manner and upon the same terms and conditions as herein provided concerning Agents for Election expenses appointed in writing by the Candidate.

Payments before passing of Act.

100. If any Candidate at any Election, or any Member hereafter returned to serve in the Parliament of Tasmania, shall before the passing of this Act have paid any money for or in respect of any Election hereafter to be held, or any expenses thereof, such person shall, to the best of his ability, deliver a full, true, and particular account of such payment to the Election Auditor.

Candidate declared guilty of bribery, &c. incapable of being elected during Parliament then in existence.

101. If any Candidate at an Election for any district shall be declared by any Election Committee guilty (by himself or his Agents) of bribery, treating, or undue influence at such Election, such Candidate shall be incapable of being elected or sitting in the Parliament of Tasmania during the Parliament then in existence.

Person found guilty of bribery, &c. incapable of being elected or sitting in Parliament for a period of five years.

102. If any person, in any prosecution, action, or suit instituted under this Act, shall be found guilty of the offence of bribery, treating, or undue influence, such person shall be incapable of being elected or sitting in the Parliament of Tasmania during the period of five years after such person shall have been so found guilty.

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Declaration to be made and subscribed by Members before taking their seats in Legislative Council or House of Assembly respectively.

103. Every Member returned to serve in the Parliament of Tasmania shall, before he shall take his seat in the Legislative Council or House of Assembly, as the case may be, make and subscribe before the Governor, or some person authorized by the Governor to receive such declaration, the declaration upon honour as follows:

"I, A.B., do hereby upon my honour declare, that I have not paid, nor will I pay, "nor have I authorized nor will I authorize any person to pay for me or on my behalf, "any other monies than such as are allowed by 'The Electoral Act, 1856,' in any way "expended in reference to my Election as a Member of this House for the Electoral "District of ; and I do also declare, upon my honour, that I have "done no act unduly to influence any Elector in the vote which he may have given "at such Election."

Part V.

Controverted Elections.

Legislative Council and House of Assembly to elect "Committees of Elections "and Qualifications" respectively.

104. In the first session of every Parliament, and within seven days after the Election of a President of the said Legislative Council, such Council shall, by the votes of a majority of two-thirds of the Members thereof who shall be then present, elect five Members of the said Legislative Council as and to be a Committee, to be called "The Committee of Elections and Qualifications;" and within seven days after the Election of a Speaker of the said House of Assembly, such Assembly shall, by the votes of a majority of two-thirds of the Members thereof who shall be then present, elect five Members of the said House of Assembly as and to be a Committee to be called "The Committee of Elections and Qualifications:" Provided, that if the whole number of Members so present be not exactly divisible by three, such number of such Members of such Legislative Council and of such House of Assembly respectively as is next smaller than two-thirds shall be the majority to determine such Election of such Committees.

Such Committees to elect chairmen, and to be attended by the Clerks of the Legislative Council and House of Assembly respectively, who shall take minutes of proceedings and lay same before Legislative Council and House of Assembly.

105. Each of the said Committees when so elected as aforesaid shall select from the Members thereof a Chairman, and the several Members thereof shall continue, except as herein-after provided, to be Members of such Committees until the issue of the Writs for the next General Election of Members to serve in Parliament; and the Committee of the said Legislative Council shall be attended by the Clerk of the said Legislative Council or his assistant, and the Committee of the said House of Assembly by the Clerk of such Assembly or by his assistant; and the Clerk of the said Legislative Council shall make a minute of all proceedings of the Committee of the Legislative Council in manner directed by the said Committee, and a copy of the minutes so kept shall be laid from time to time before the said Council; and the Clerk of the said House of Assembly shall make a minute of all proceedings of the said Committee of the said House of Assembly in manner directed by such Committee, and a copy of the minutes so kept shall be laid from time to time before the said House of Assembly.

Mode of procedure in case of incapacity or disqualification of any Member of either of such Committees.

106. Whenever, after the said Committees to be so elected as aforesaid shall have been completed, any Member of either of such Committees shall die, or cease to be a Member of the said Legislative Council or of the said House of Assembly, as the case may be, or from sickness or any other cause become incapacitated or disqualified to attend any Meeting of such Committee, his place shall be supplied by a Member of the said Legislative Council or of the said House of Assembly, as the case may be, to be elected for that purpose in like manner as the Member of such Committee so dying or ceasing to be a Member of the said Legislative Council or of the said House of Assembly, or becoming so incapacitated or disqualified to attend, was elected: Provided always, that such incapacity or disqualification of any Member of such Committee to attend any Meeting thereof as aforesaid shall be exclusively judged of and determined by the said Legislative Council or by the said House of Assembly, as the case may be: Provided also, that if the return of any Member of the said Legislative Council or of the said House of Assembly elected as a Member of such Committee shall be disputed in manner hereby directed, or if any such Member of such Committee of the Legislative Council shall be a petitioner against the return of any other Member of such Council, or if any such Member of such Committee of the House of Assembly shall be a petitioner against the return of any other Member of such House of Assembly, the same shall be deemed and taken to be and shall be a disqualification to attend a meeting of such Committee within the meaning of this Act.

Clerks of the Legislative Council and House of Assembly to make records of Election of such Committees.

107. The record of the Election of the Members of the said Committee of the Legislative Council shall be entered by the Clerk of the Legislative Council on the proceedings of such Council; and the record of the Election of the Members of the said Committee of the said House of Assembly shall be entered by the Clerk of the House of Assembly on the proceedings of such House of Assembly; and such entries having been made shall be sufficient proof of the due Election of the said Committees.

Oath to be taken by Members of such Committees respectively.

108. The said Committees shall not proceed to any business until each Member shall have taken the following oath, which oath shall be administered to Members of the Committee of the Legislative Council by the President of the said Council, and to

Members of the Committee of the House of Assembly by the Speaker of the said House of Assembly.

"I, A.B., do swear, that I will duly administer justice in all matters which may be "brought before this Committee, and that I will decide in all such matters without "partiality, favour, or affection, and according to the best of my judgment and under-"standing. So help me GOD."

Powers and duties of such Committees.

109. The said Committee of the Legislative Council so elected as aforesaid shall have power to inquire into and determine all cases which may be brought before it by the Legislative Council respecting disputed returns of Members to serve in the said Council; and the said Committee of the House of Assembly shall have power to inquire into and determine all cases which may be brought before it by the House of Assembly respecting disputed returns of Members to serve in the said House of Assembly, whether such disputes arise out of or relate to the capability of any person to be elected a Member of such Council or House of Assembly, as the case may be, by reason that such person is not qualified as by the said recited Act is required, or arise out of or relate to any alleged error in the return of any Returning Officer, or the allegation of bribery or corruption against any person concerned in any Election, or any other allegation affecting the validity of any Election under this Act.

Committees to have power to regulate their proceedings.

110. Each of the said Committees shall be competent to regulate the form of its proceedings, and shall have power to adjourn its sittings in each case which may be referred to it from time to time as occasion may require, provided that the interval of adjournment shall not in any instance exceed five days, and that the proceedings before such Committee shall not in any such case so referred to it as aforesaid extend beyond the period of twenty-one sitting days; and if no decision be pronounced within such period, the Chairman of such Committee shall, on such evidence as may then be before such Committee, pronounce a decision, and every decision, whether so pronounced by the Chairman or by any such Committee, shall be final and conclusive, without appeal.

Decision of Chairman to be final.

Duties of such Committees in controverted Elections.

111. The said Committees shall not have power to inquire into or determine the correctness of the Electoral Roll of any Electoral District, but shall simply inquire into and determine the identity of any person whose vote may on the day of the Election have been either admitted or rejected, and whether, assuming the Electoral Roll to be correct, any such person then retained the same qualification for which his name was originally inserted in such Electoral Roll, and whether his vote was improperly admitted or rejected, and whether any Voters or persons entitled to vote gave their votes under the influence of bribery or corruption, force, menace, intimidation, undue influence, or fraud, or were prevented from giving their votes by bribery, corruption, force, menace, intimidation, undue influence, or fraud; and if either of the said Committees shall find any vote to have been given under the influence of bribery, corruption, force, menace, intimidation, undue influence, or fraud by or on the part of any Candidate or his Agent, the same may be taken off the file of votes, and if such Committee shall find any Voter to have been prevented from voting by force, menace, intimidation, undue influence, or fraud by or on the part of any Candidate or his Agent, it shall be competent to the Voter so prevented from voting to tender his vote before such Committee, and such vote shall be taken accordingly, and on reckoning the votes received for any Candidate such votes so rejected or received shall be taken into account by such Committee.

Recovery of costs in controverted Elections.

112. The person presenting a petition against the return of any Member of such Legislative Council or of such House of Assembly shall, if successful in setting aside the said return, be entitled to recover such costs or expenses as shall be assessed and determined by the Committee before which such controverted return shall be tried, under the hand of the Chairman thereof, by action of debt, from the Member against whose return such petition shall have been presented; and if the person presenting any such petition shall not be successful in setting aside such return, such costs and expenses as shall be assessed and determined by such Committee, under the hand of the Chairman thereof, shall devolve on such person so presenting such petition, and be in like manner recoverable by the Member against whose return such petition shall have been presented.

By whom, and how, controverted Elections to be brought under notice of Legislative Council and House of Assembly respectively.

113. All complaints of the undue return of Members to serve in the said Legislative Council shall be addressed in the form of a petition to the said Council, and all complaints of the undue return of Members to serve in the House of Assembly shall be addressed in the form of a petition to the said House of Assembly; and no petition shall be taken cognizance of, nor any proceedings be had thereon, unless it shall be so addressed to the said Council or to the said House of Assembly, as the case may be, by a person who was a Candidate at the Election whereof it may be alleged that an undue return has been made, or by a number of Electors who either voted or were qualified to vote at the said Election, amounting to not less than one-tenth of the whole number of Electors on the Electoral Roll of the Electoral District for which such Election shall take place, or in the case of an undue return to the Legislative Council by a Member of the said Council, or in the case of an undue return to the House of Assembly by a Member of the said House of Assembly; neither shall any such petition be taken cognizance of unless the same shall be received by the said Council or by the said House of Assembly, as the case may be, in the case of a General Election within seven days next after the

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day of the first meeting of the Parliament, or in the case of a vacancy within seven days after the return of the Writ for such Election, if the Legislative Council or the said House of Assembly, as the case may be, be then sitting, but if not then within seven days next after the day of the next sitting of such Council or House of Assembly which shall take place after such Election; and every such petition when so presented as aforesaid shall by the said Council or House of Assembly, as the case may be, be referred to the said "Committee of Elections and Qualifications" forthwith, or as soon as conveniently may be after such Committee shall have been duly elected in manner aforesaid.

Mode of procedure on controverted Elections.

114. Each of the said Committees, in hearing and deciding on the merits of any such petition, shall be guided by equity and good conscience, and the real and substantial justice of the case, without regard to legal forms and solemnities, and shall receive or reject at its discretion any evidence that may be tendered to such Committee, whether such evidence be such as the law would require in other cases or not; and if such Committee shall so decide and declare as aforesaid that any person was not duly elected who shall have been returned as elected by the Returning Officer of any Electoral District, the person so decided and declared to have been not duly elected shall cease to be a Member of the Legislative Council or of the said House of Assembly, as the case may be, and vacate his seat accordingly; and if such Committee shall decide and declare as aforesaid any person to have been duly elected who shall not have been returned by any Returning Officer, the person so decided and declared to be duly elected shall be and be sworn a Member of the said Council or of the said Assembly, as the case may be, and take his seat accordingly; and if such Committee shall decide and declare as aforesaid any Election for any Electoral District to have been absolutely void, which such Committee is hereby authorized and empowered to do, it shall be lawful for the Governor, on the same being certified to him, in the case of an Election of a Member of the said Legislative Council under the hand of the President of the said Legislative Council, and in the case of an Election of a Member of the said House of Assembly under the hand of the Speaker of the said House of Assembly, to issue a new Writ for the holding of another Election for such Electoral District, and every such Writ as last aforesaid shall be issued within ten days after such certificate shall have been received by the Governor.

Where Election declared void, Governor to issue fresh Writ.

Committees to have power to direct attendance of witnesses and production of papers, &c.

115. Each of the said Committees shall have power, by order in writing under the hand of the Chairman, to direct the attendance of witnesses, and to examine them upon oath, and also by like order in writing to require the production of and to examine papers, records, and other documentary evidence, and it shall be competent to such Committee, if in its discretion it shall see fit, to receive affidavits relative to any of the matters referred to such Committee taken before any Justice of the Peace (which affidavit such Justice of the Peace is hereby authorized to take); and if any person summoned by such Committee, having had his reasonable expenses paid or tendered by the person on whose behalf he shall have been so summoned, shall disobey such summons, or shall refuse or neglect to produce any papers, records, or other documentary evidence relating to or affecting the matter under investigation, the production whereof shall have been required by such Committee, or shall refuse to submit to be examined, or shall prevaricate, or otherwise misbehave in giving or refusing to give evidence, such person shall be deemed guilty of a misdemeanor, and be liable to be punished accordingly: Provided, that no such affidavit shall be received by such Committee unless it shall be made to appear to such Committee that the person making the same is incapable to attend before such Committee by reason of sickness or old age: Provided also, that before any such affidavit shall be taken by any such Justice of the Peace as aforesaid reasonable notice shall be given to the Member against whose return such affidavit is intended to be used, or to the person or persons against whose petition such affidavit is intended to be used, as the case may be, that such affidavit is about to be made before such Justice; and such Member or person shall be at liberty to examine upon oath before such Justice, which oath such Justice is hereby empowered to administer, the person tendering such affidavit upon the matters contained therein; and such Justice shall in no case take any such affidavit until it shall be proved to the satisfaction of such Justice that such reasonable notice has been given as aforesaid; and every such examination shall be taken down in writing, and being signed by the person so examined, and attested by the said Justice, shall be admissible in evidence before such Committee; and if any such person tendering any such affidavit shall refuse to be examined or to answer any lawful question touching the matters in such affidavit, such Justice shall refuse to take the same; and any person wilfully or knowingly giving false evidence before such Committee or in any such affidavit, or on any such examination as aforesaid, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the ordinary pains and penalties for such offence.

Person attending before Justice of the Peace to swear affidavit to give notice to Candidate, who shall have power to examine such person.

Decisions of Committees to be final. Mandamus taken away.

116. The decision of each of such Committees, or the Chairman thereof, shall be final and conclusive to all intents and purposes, and shall not be, nor shall any of the proceedings before such Committee be liable to be, or be, questioned by any writ of mandamus or other process whatsoever from the Supreme Court of this Colony, or be in any other manner taken cognizance of thereby, any law or usage to the contrary in anywise notwithstanding.

PART VI.

MISCELLANEOUS MATTERS.

Expenses incurred prior to first Meeting of Parliament to be paid out of public funds of Colony.

117. All necessary and reasonable expenses which shall be incurred prior to the first Meeting of the Parliament of Tasmania so established as aforesaid, by any person appointed or acting under and by virtue of this Act, for the purpose of carrying the several provisions thereof into effect, shall, if the same be allowed by the Governor, be paid and discharged out of the public funds of this Colony by Warrants under the hand of such Governor directed to the Colonial Treasurer of this Colony.

General issue may be pleaded.

118. If any action shall be brought against any person for any matter or thing done under the authority or in pursuance of this Act, such person may plead the general issue, and give this Act and the special matter in evidence.

Performance of duties on Sundays, &c.

119. When any matter or thing shall be directed by this Act to be performed on a certain day, and that day shall happen to be Sunday, Good Friday, or Christmas Day, or any day appointed by the Governor to be kept as a public holiday, the said matter or thing shall be performed on the day next succeeding such Sunday, Good Friday, or Christmas Day, or day so appointed to be kept as a public holiday.

Interpretation of terms.

120. The words "lot" and "allotment" as used in the Schedules to this Act shall be held to mean and intend the several allotments respectively numbered and described as the same appear and are delineated in the chart or charts in the office of the Surveyor-General of this Colony; and wherever in such Schedules a river or other stream, or a road, street, or way shall be said to be the boundary of any district, a line drawn down the middle of such river or other stream, or road, street, or other way, shall be deemed to be such boundary.

Governor may delegate duties to any person by Proclamation.

121. It shall be lawful for the said Governor to delegate to any other person the performance of any act or thing which by this Act he is empowered to perform: Provided always, that any such delegation shall be made under the hand of the Governor and the Seal of the Colony, and be duly announced by Proclamation in "The Hobart Town Gazette."

Governor may appoint additional officers in any Electoral District.

122. It shall and may be lawful for the Governor to appoint such additional officers in any Electoral District as may be necessary to ensure the carrying into effect the several provisions of this Act.

Notwithstanding non-return of Writs, Legislative Council and House of Assembly may proceed to business, if duly summoned.

123. And whereas delays may occur in the return of a Writ or Writs from some parts of this Colony, and by the non-return of such Writ or Writs the number of Members of the said Legislative Council and of the said House of Assembly may not be completed on the day whereon such Council and House of Assembly may be summoned to assemble for the despatch of business, and it is expedient to remove doubts which might otherwise arise as to the power of the said Council and House of Assembly in its incomplete state to proceed to business: Be it enacted, that, notwithstanding the non-return of any Writ or Writs on or before the day whereon such Writs are made returnable, the said Legislative Council and the said House of Assembly respectively shall be competent to proceed to business, if duly summoned for such purpose; provided always, that the number of Members deficient in the said Legislative Council or in the said House of Assembly respectively, in consequence of the non-return of such Writ or Writs, shall not exceed two in the Legislative Council and four in the House of Assembly.

Elections not to be declared void by reason of delay in holding same or any formal impediment.

124. And whereas divers of the Electoral Districts under this Act are far distant from the seat of Government, and of great extent, and unforeseen difficulties or delays may arise in carrying into effect the several provisions herein contained with regard to the Elections for the said Districts: Be it therefore enacted, that no Election for any such District shall be held to be void in consequence solely of any delay in the holding of any Election at the time appointed, or in the return of the Writ, or in consequence of any impediment of a mere formal nature: Provided that such Election shall by the Governor, with the advice of the Executive Council, within thirty days from the day on which such Election was held, be declared not to be invalid for any such cause as aforesaid; provided also, that within the period of twenty days before or after the day appointed for the holding of any Election, it shall be lawful for the said Governor, with the advice of the Executive Council, to extend the time allowed for the holding of such Election, or for the return of the Writ issued for the same, and to adopt or cause to be adopted such measures as may be necessary to remove any obstacle by which the due course of any such Election may be impeded, and to supply any deficiency that may otherwise affect the same; provided also, that any measures so adopted by the said Governor, with the advice of the Executive Council, shall be duly notified by Proclamation in "The Hobart Town Gazette."

Persons appointed under this Act refusing to act liable to Penalty.

125. If any Clerk of the Peace, Returning Officer, or Deputy Returning Officer, after having accepted office as such, or any other person appointed or enjoined to perform any duty, matter, or thing under this Act, shall wilfully neglect or refuse to perform any of the duties, matters, or things which by the provisions of this Act he is so appointed, enjoined, or required to perform, every such Clerk of the Peace, Returning Officer, or Deputy Returning Officer, or other person, shall for every such offence, in addition to any other punishment or penalty by this Act imposed, forfeit and pay a penalty or sum not less than twenty pounds nor exceeding one hundred pounds; and any such penalty or sum shall be recoverable, with full costs of suit, by any person who shall sue for the

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same, within three calendar months after such neglect or refusal as aforesaid, by action of debt in the Supreme Court of Tasmania, or if the sum sued for be in amount within the jurisdiction of any Court of Requests in this Island, in such Court of Requests; and such penalty or sum, when recovered, shall be paid and apportioned as follows; (that is to say), one moiety thereof to the person so suing for the same, and the other moiety thereof to Her Majesty, Her Heirs and Successors, for the public uses of this Colony.

Declaration to be made by Returning Officer upon appointment.

126. Every person who may, under the provisions of this Act, be appointed a Returning Officer or Deputy Returning Officer, or be appointed to any other office under this Act, other than that of Revising Barrister, shall, before he enter on the performance of the duties of any such office, make and subscribe the following declaration before any Justice of the Peace for this Colony or its dependencies:—

"I, A.B., do hereby declare, that I accept the office of and I do hereby "promise and declare that I will faithfully perform the duties of the same to the best of "my understanding and ability:"

And the Justice before whom any such declaration shall be made is hereby required to transmit the same by the first convenient opportunity to the Colonial Secretary of this Colony; and any person wilfully neglecting to make such declaration, or acting in contravention thereof, shall be guilty of a misdemeanor.

Persons counterfeiting ballot-papers, or names therein, guilty of forgery.

127. Any person who shall counterfeit any ballot-paper, or any signature thereto or name therein, shall be deemed guilty of and liable to the penalties of forgery.

Writs to be issued on or before 1st October 1856.

128. The Writs for the first General Elections under this Act shall be issued on or before the First day of October one thousand eight hundred and fifty-six.

The Governor, with consent of Executive Council, to provide for inaccuracies or omissions in Act.

129. In case any unforeseen difficulty shall occur during the year one thousand eight hundred and fifty-six in carrying out the provisions of this Act, from any deficiency or inaccuracy in the same, or from any other cause whatever, it shall be lawful for the Governor, with the advice and consent of his Executive Council, to adopt such measures, in accordance with the spirit of this Act, as may be necessary to secure the assembling of the Parliament of Tasmania in accordance with the provisions of "The Constitutional Act."

SCHEDULE A.

NAMES, Descriptions, and Boundaries of Electoral Districts for the Return of Members of the Legislative Council.

HOBART.

Comprises the City of Hobart Town.

BUCKINGHAM.

Comprises the Districts of Queensborough and Glenorchy, as described in Schedule B. of this Act.

HUON.

Comprises the Districts of Kingborough and Franklin, as described in Schedule B. of this Act.

DERWENT.

Comprises the Districts of New Norfolk and Cumberland, as described in Schedule B. of this Act.

JORDAN.

Comprises the Districts of Oatlands and Brighton, as described in Schedule B. of this Act.

CAMBRIDGE.

Comprises the Districts of Richmond and Clarence, as described in Schedule B. of this Act.

PEMBROKE.

Comprises the Districts of Sorell and Glamorgan, as described in Schedule B. of this Act.

SOUTH ESK.

Comprises the Districts of Campbelltown and Fingal, as described in Schedule B. of this Act.

NORTH ESK.

Comprises the Districts of Morven and Selby, as described in Schedule B. of this Act.

LONGFORD.

Comprises the Districts of Norfolk Plains and Ringwood, as described in Schedule B. of this Act.

TAMAR.

Comprises the Districts of George Town and Launceston, as described in Schedule B. of this Act.

MEANDER.

Comprises the Districts of Westbury, Deloraine, and Devon, as described in Schedule B. of this Act.

SCHEDULE B.

NAMES, Descriptions, and Boundaries of Electoral Districts for the Return of Members of the House of Assembly.

HOBART TOWN.

Comprises the City of Hobart Town.

QUEENBOROUGH.

Commencing at the junction of the River Derwent with Brown's River, and bounded by Brown's River to the north angle of a location to Michael Barrett since granted to William Walton, by that location to the Township of Summerleas, by that township and the back boundaries of Lot 772 purchased from the Crown by Arthur Perry, by Lots 510 and 538 to the North-west Bay River, by that river to its source on the top of Mount Wellington, by a straight line from thence to the Trigonometrical Station on that mountain, thence by a straight line to the west angle of a grant to Peter Degraves, by the north-west boundary of that grant, by a location to John Waugh to the south boundary of a grant to Susan Ross and Valentine Griffiths, by that boundary to Poets' Road, by that road to the City of Hobart Town, by the south-west boundary of the city to the River Derwent, and by the Derwent to Brown's River.

GLENORCHY.

Commencing at the confluence of the Hobart Town Rivulet with the River Derwent, and bounded by that river to the Black Snake Rivulet, by that rivulet and by the west boundary of Lot 51 purchased from the Crown by Thomas Stubbs Brown by Lot 19, and by the north-west boundary of Lot 97 (at present leased to Thomas Yardley Lowes) to the Sorell River, thence by a due south line for three miles, thence by a straight line south-easterly to the Trigonometrical Station on the top of Mount Wellington, thence by the District of Queenborough to the south-west boundary of the City of Hobart Town, and by the south-west, north-west, and north-east boundaries of that city to the River Derwent.

KINGBOROUGH.

Commencing at the junction of Brown's River with the River Derwent, and bounded by the Electoral District of Queenborough to the Trigonometrical Station on the top of Mount Wellington, thence by the Electoral District of Glenorchy to a point on the Tiers distant three miles in a southerly direction from the west angle of Lot 97 leased to T. Y. Lowes on the Sorell River, thence by the summit of the Wellington Range to Russell's Falls at its source, thence by a line to the Huon River immediately opposite its junction with the Picton River, thence by the Huon River (leaving the Egg Islands on the west) to a rock known as the Butts, thence by a line across D'Entrecasteaux Channel to the most western point of South Bruni Island, thence by the sea and by Storm Bay (including Bruni Island) to Kelly's Point, thence by a line crossing D'Entrecasteaux Channel to the River Derwent, and by the River Derwent to Brown's River aforesaid.

FRANKLIN.

Commencing at the most western point of South Bruni Island, and bounded on the eastern and northern sides by the Electoral District of Kingborough and by the Huon River to its source, thence by a north-westerly line to the River Gordon, by the River Gordon to Macquarie Harbour, by the south-west shore of that harbour to the sea, by the sea to Whale Head, and thence by a line across D'Entrecasteaux Channel to the point of commencement.

NEW NORFOLK.

Bounded on the north by Russell's Falls from its source to the River Derwent, thence by that river to the west angle of a grant to John Terry on the left bank of the River

TASMANIA.

Derwent, by the north-west and north-east boundaries of that grant to the Belmont Rivulet, thence by the division boundaries of the Parishes of Grafton and Lansdowne to Platform Bluff on the Dromedary Range, on the nort-east by the Dromedary Range and Dromedary Creek to its junction with the River Derwent, thence by that river to the Electoral District of Glenorchy, on the south-east by that district to the Electoral District of Kingborough, and by that district to the point of commencement.

Cumberland.

Commencing at Platform Bluff, and bounded on the south by the Electoral District of New Norfolk to the source of the Russell's Falls, thence by the Electoral District of Kingborough to the Electoral District of Franklin, thence by the last-mentioned district to the entrance of Macquarie Harbour, by a north-easterly line across the mouth of that harbour to the opposite shore, thence by the sea to a point distant twenty-three miles or thereabouts in a northerly direction from the mouth of King's River, thence by a due east line to Lake Ada, thence by Lake Ada to the Little Pine River, by that river to the south boundary of Lot 100 leased to George Armytage, by that boundary and the south boundary of Lot 675 purchased from the Crown by P. T. Smith to Armytage's Rivulet, by Armytage's Rivulet to the River Ouse, and by that river north-easterly to the north boundary of Lot 636 purchased from the Crown by P. T. Smith, by that boundary and the north boundary of Lot 156 leased to the said P. T. Smith to the Great Lake, by that lake easterly to the River Shannon, by that river to Lot 885, by the southern boundaries of that lot, of a public reserve, and of Lot 131, to the Lagoon of Islands, by the eastern shore of that lagoon to Lot 131 aforesaid, by the eastern boundaries of that lot and of Lot 203 to the Upper Lake River, by that river and the northern bank of Wood's Lake to the Lake River, thence by an easterly line to Lake Sorell at the north boundary of Lot 504, thence southerly by Lake Sorell and Lake Crescent to the River Clyde, by a straight southerly line from thence to the top of the Table Mountain, from thence by a straight line to the source of the Exe Rivulet, by that rivulet to the Jordan River, by the last-mentioned river to the north-east angle of the Parish of Wallace, and by that parish to the point of commencement.

Oatlands.

Bounded on the western side by the Electoral District of Cumberland from Lake Crescent to a point on the Jordan River immediately opposite the Quoin Rivulet, thence by that rivulet to the Trigonometrical Station on the Quoin Mount, thence by the southern boundaries of the Parishes of Hartington and Bisdee to the north-east angle of the Parish of Ormaig, thence by a straight north-easterly line (passing along the south-east boundaries of Lots 174, 255, 254, 253, a location to Daniel Stanfield, and through a location to James Hobbs,) to the Little Swanport River, thence by that river in an easterly direction to the south angle of Lot 892, thence by the south-west boundaries of that lot, and of a grant to George Marshall, thence by the back boundaries of Lots 235, 236, 259, and 123 to Lot 196 leased to Basset Dickson, by the south-east boundary of that lot to Toom's Lake, by the south-west shore of that lake, and by the southern branch of the Macquarie River until opposite the south-east boundary of Lot 290 purchased by Henry Stevenson Hurst, thence by that boundary to the northern branch of the Macquarie River, by that river in a westerly direction to Blackman's River, by Blackman's River to Mill Brook, by that brook and a westerly line to Lake Crescent, and by that lake to the point of commencement.

Brighton.

Commencing on the River Jordan at the junction of the Quoin Rivulet, and bounded on the west by the Electoral Districts of Cumberland, New Norfolk, and Glenorchy to the west boundary (on the River Derwent) of Lot 5 purchased by Thomas George Gregson, thence by the northern boundaries of that lot, by the western boundaries of Lot 887, to the south-angle of a location of 200 acres to W. Ross, by the north-west boundaries of that location and of 300 acres also located to W. Ross, thence by the west boundary of Lot 881 purchased by William Gunn to the southern boundary of the Parish of Drummond, thence by that boundary to the Parish of Ulva, on the north-eastern side by the Parishes of Ulva and Staffa to the Tea Tree Bush, on the north and on the north-east by the Parish of Yarlington to the Electoral District of Oatlands, and by that district north-westerly to the point of commencement.

Richmond.

Bounded on the western side by the Electoral District of Brighton from the south-east angle of the Parish of Drummond to the Trigonometrical Station on the top of the Quoin Mount, thence easterly by the Electoral District of Oatlands and by the Parish of Bisdee to the north-east angle of Lot 249 A, at present leased to Benjamin Berthon, thence by that lot and by the south boundary of Lot 301 to Prosser's River, by that river to the north-east angle of Lot 73 purchased by Richard Lewis, on the eastern side by that lot and Lots 7 and 6 purchased by C. O. Parsons, thence by a line to the north-east angle of Lot 36, thence by a due south line to the south-east angle of Lot 566 also

purchased by C. O. Parsons, and now the property of Askin Morrison, and known as the Runnymede Estate, thence by a line to the Sorell Rivulet and by that rivulet to the north boundary of Lot 24 leased to the said Askin Morrison, thence by the back boundaries of that lot and of Lot 22, and by the south-east boundary of 259 acres granted to William Hodson to the Orielton Rivulet, thence by the western boundaries of the Orielton Estate to the north boundary of a location to Charles Jeffrey, by that location easterly to the Orielton Rivulet aforesaid, by that rivulet to Pittwater, by Pittwater westerly to the Pigeon-hole Rivulet, and by that rivulet upwards to the point of commencement.

Clarence.

Bounded on the northern side by the Electoral Districts of Brighton and Richmond from the River Derwent to Pittwater, on the eastern side by Pittwater and Frederick Henry Bay, on the southern side by Storm Bay, and on the western side by the River Derwent to the point of commencement.

Betsy's Island, the Iron Pot, and all the islands in Frederick Henry Bay, and Pittwater, are also to form part of this district.

Sorell.

Bounded on the east by the sea from Little Swanport to Cape Pillar, thence on the south and west by the sea and Storm Bay to North-west Point on Tasman's Peninsula, thence on the north and west by Norfolk Bay to East Bay Neck, thence on the south and south-west by Norfolk Bay, Frederick Henry Bay, and Pittwater to the Orielton Rivulet, thence by the Electoral Districts of Richmond and Oatlands to the Little Swanport River, and by that river and by Little Swanport to the point of commencement.

Maria Island and all other islands adjacent to the coast between Little Swanport and North-west Point, and also all islands in Norfolk Bay, are to form part of this district.

Glamorgan.

Bounded on the east by the sea from Doctor's Creek near Long Point to Little Swanport, and by a line crossing the same at the bar, thence by the Electoral District of Sorell to the Electoral District of Oatlands, and by the last-named district to a rivulet forming the west boundary of a location to John Dickenson, thence by that rivulet and by the north-eastern boundaries of the Parishes of Peel, Glen, Morriston, Ross, and Wincanton to the Elizabeth River, by that river to the south angle of 320 acres granted to Hezekiah Harrison, by that grant and a location to J. H. W. Milbourne to its north angle, thence by a straight line to the Campbell Town Trigonometrical Station, thence by a straight line to the north-west angle of a grant to Hugh Kean, thence by the summit of the range lying to the south of the St. Paul's River to the south-east angle of a grant to R. Hepburn, by the east boundary of that grant and by a north-easterly line from thence to the north-west angle of the Township of Seymour, and thence by the north boundary of that township and by Doctor's Creek to the point of commencement.

Schouten Island and all other islands adjacent to the coast between Doctor's Creek and Little Swanport are to form part of this district.

Campbell Town.

Bounded on the southern side by the Electoral District of Oatlands from the mouth of a rivulet forming the west boundary of a location to John Dickenson, extending westerly to the Electoral District of Cumberland, thence by the Electoral District of Cumberland to the Lake River, thence on the western side by that river to the south boundary of the Parish of Ramsbury, thence on the north and on the western side by that parish to the Macquarie River, thence by that river to the south-east angle of the Parish of Bramber, thence on the north-west and south-west by the Parish of Bramber to the Parish of Chichester, thence by that parish to the south-west boundary of a location to D. W. Stalker, thence by the south-west and north-west boundaries of that location to the South Esk River, thence on the north-eastern side by that river upwards to the Salisbury Rivulet, and thence by that rivulet, by the west boundary of the Parish of Eastbourne, and by the Electoral District of Glamorgan, to the point of commencement.

Fingal.

Bounded on the western side by the Electoral District of Campbell Town, commencing at the south angle of the Parish of Eastbourne and extending to the Ben Lomond Rivulet, by that rivulet to its source, by a line from thence to the lake on the top of Ben Lomond, thence by a line to the source of the North Esk River, thence by a line to the source of the Great Muscle Roe River, by that river to the sea, on the northern and eastern sides by the sea to Doctor's Creek, and thence westerly by the Electoral District of Glamorgan to the point of commencement.

TASMANIA.

MORVEN.

Bounded on the south-eastern side by the Electoral District of Fingal from the junction of the Ben Lomond Rivulet with the South Esk River to the source of the North Esk River, on the northern side by that river to the Parish of Launceston, on the north-west by that parish to the South Esk River aforesaid, by that river to the Parish of Perth, by the northern boundary of that parish to the South Esk River, and by that river to the point of commencement.

SELBY.

Bounded on the south-east by the Electoral Districts of Fingal and Morven, commencing at a point on the Great Muscle Roe River distant about five miles in a southerly direction from the ford or usual crossing-place opposite to Lot 966 purchased from the Crown by John Foster, and extending to the Parish of Launceston, by the southern boundaries of the Parishes of Launceston and Ecclestone, by the back boundaries of the last-named parish and the Parish of St. Michaels, thence by the Parish of Wells to the Township of Exeter, by that township to the north-east angle of Lot 126 purchased from the Crown by Thomas Hastie, thence by a line crossing the Tamar to a stream known as the Macquarie Rivulet, forming the division boundary of Lots 311 and 318, purchased from the Crown by M. C. Friend, by that boundary and a continued north-easterly line along the Township of Upway to the east angle of the Mount Direction Signal Reserve, thence by a line still in continuation of the last extending to Piper's River, thence by a straight north-easterly line to the Great Forester River at the southern boundary of Lot 167, purchased from the Crown by Henry E. Atkinson, thence by a line (crossing the Tomahawk River) to the Little Boobyalla River, thence by a line to the Mount Cameron Trigonometrical Station, and by a line from thence to the point of commencement.

NORFOLK PLAINS.

Bounded on the western side by the Liffey River from its junction with the Meander, and extending to the south boundary of a location to T. Collicott, by that location to the north-east angle of a location to W. G. Walker, thence by the last-named location to West Lagoon and the northern and eastern boundaries thereof to the east boundary of a location to G. B. Scardon, by that location southerly to the south-west angle of a location to W. P. Weston, thence by the division boundaries of the Parishes of Longford and Cressy to the Lake River at the south-east angle of a grant to Abraham Walker, thence by the Lake River to its junction with the Macquarie River, and by that river to the Electoral District of Campbell Town, by that district to the Electoral District of Morven, by the District of Morven to the Electoral District of Selby, and by the last-named District to the point of commencement.

RINGWOOD.

Bounded on the eastern side by the Electoral District of Campbell Town, commencing at the north-west angle of the Parish of Tierney, and extending southerly to the Electoral District of Cumberland, thence westerly by the last-named district to Lake Ada, by the south-western shore of Lake Ada to Christy's Rivulet, by a line from thence to Lake Pillans, thence by a line to Lake Julian, thence by a line to Lake Meander, thence by that lake and by the River Meander to its junction with Jackey's Creek, thence by that creek to the north-east angle of 640 acres forming part of Lot 265, selected for future purchase by William and Charles Hortle, thence by an easterly line to the River Liffey, by the Liffey to the south boundary of the Electoral District of Norfolk Plains on that river, thence by the last-mentioned district and by the Electoral District of Campbell Town to the point of commencement.

GEORGE TOWN.

Bounded on the south-west by the south-west boundaries of the Parishes of Stockport, Phillips Norton, and Wells, commencing at Badger Head in Bass's Strait, and extending to the Electoral District of Selby, thence on the southern side by that district to the Electoral District of Fingal, by the last-mentioned district northerly to the sea, and by the sea westerly to the point of commencement.

All the islands lying to the east of the 147th degree of longitude in Bass's and Banks' Straits form part of this district.

LAUNCESTON.

Comprises the Town of Launceston.

WESTBURY.

Bounded on the south-east by the Electoral Districts of Norfolk Plains and Ringwood, commencing at the junction of the River Liffey with the Meander, and extending to the north-east angle of 640 acres forming part of Lot 265, selected for future purchase by

William and Charles Hortle, thence by a line to the source of Quamby's Brook, by that brook to the south-west angle of the Parish of Exton, thence by the division boundary of the Parishes of Exton and Calstock to the Meander River, by that river to the Parish of Malling, thence by the eastern and northern boundaries of that parish to the River Rubicon, by the River Rubicon to the Kangaroo Rivulet forming the north boundary of Lot 234, formerly leased to Messrs. Douglas and Davies, thence by the north-west boundaries of the Parishes of Goodleigh and Winkleigh north-easterly to the south-west angle of a grant to William Barnes on Anderson's Creek, and thence by the Electoral Districts of George Town and Selby to the point of commencement.

DELORAINE.

Bounded on the south-east by the Electoral District of Ringwood, commencing at the north-east angle of 640 acres, forming part of Lot 265, selected for future purchase by William and Charles Hortle, and extending to Lake Ada at its junction with Christy's Rivulet, thence by that rivulet to its source, and by a westerly line from thence to the Pine River, by that river in a north-westerly direction passing the north-east shore of Lake Fanny to the Fish River, by that river to the Mersey, by the Mersey to the Van Diemen's Land Company's Road, thence (westerly) by that road to the Dasher River, by that river to the Mersey, and by the Mersey northerly to the north-west boundary of the Parish of Ashgrove, by the north-west boundary of that parish to the Electoral District of Westbury, and by that district southerly to the point of commencement.

DEVON.

Bounded on the north by the sea from Badger Head to Cape Grim, thence on the west by the sea to the Electoral District of Cumberland, and thence on the remaining sides by the Electoral Districts of Cumberland, Deloraine, Westbury, and George Town, to the point of commencement.

The islands in Bass's Straits lying to the west of the 147th degree of longitude form part of this district.

SCHEDULE C.

No. 1.

POLLING-PLACES of ELECTORAL DISTRICTS for Return of Members of the Legislative Council.

ELECTORAL DISTRICTS.	POLLING-PLACES.
HOBART - - - -	1. The New Market Place, Hobart Town. 2. The Old Market Place. 3. St. George's Hill, near the Church. 4. Davey Street, near Antill Street. 5. Goulbourn Street, near St. John's Church. 6. Harrington Street, near Warwick Street. 7. Argyle Street, near Warwick Street. 8. Murray Street, near Liverpool Street.
BUCKINGHAM - - -	1. Kingston. 2. Sandy Bay, near the Second Milestone. 3. Cascade Road, near the Reservoir. 4. Glenorchy, near the Seventh Milestone. 5. The Racecourse at New Town. 6. Colville Street, near the New Town Road.
HUON - - -	1. Kingston. 2. Oyster Cove. 3. Kelly's Point, North Bruni. 4. Three Hut Point. 5. Lovett, Port Cygnet. 6. Victoria. 7. Franklin. 8. Dover, Port Esperance.
DERWENT - - - -	1. Court House, New Norfolk. 2. Styx Bridge. 3. Bothwell. 4. Hamilton. 5. River Ouse. 6. Woolpack Inn, Macquarie Plains.

TASMANIA.

Electoral Districts.	Polling-Places.
Jordan - - - -	1. Oatlands. 2. Jericho. 3. Antill Ponds 4. Kempton. 5. Pontville.
Cambridge - - -	1. Richmond. 2. Bellerive. 3. Rokeby.
Pembroke - - -	1. Cascade, Tasman's Peninsula. 2. Sorell. 3. Buckland. 4. Triabunna. 5. Swansea. 6. Bicheno. 7. Glen Gala.
South Esk - - -	1. Campbell Town. 2. Ross. 3. Cleveland. 4. Fingal. 5. Avoca. 6. Cullenswood. 7. Falmouth.
North Esk - - -	1. Evandale. 2. Upper Nile Bridge. 3. Lower Nile Bridge. 4. Mulgrave Square, in the suburbs of Launceston. 5. Hadspen. 6. Patterson's Plains, near the Church. 7. Coulson's, in the Parish of Wareham. 8. Cimitière Point, in the Parish of St. Michael's.
Longford - - -	1. Longford. 2. Cressy, near the Bridge over Brumby's Rivulet. 3. Campbell Town.
Tamar - - - -	1. George Town. 2. St. John's Square, Launceston 3. The Market Place, ditto. 4. St. George's Square, ditto. 5. The Court House, ditto.
Meander - - -	1. Westbury. 2. Deloraine. 3. Torquay. 4. Burnie, Emu Bay. 5. Stanley.

No. 2.

Polling-Places of Electoral Districts for Return of Members of the House of Assembly.

Electoral Districts.	Polling Places.
Hobart Town - - -	1. The New Market Place. 2. The Old Market Place. 3. St. George's Hill, near the Church. 4. Davey Street, near Antill Street. 5. Goulbourn Street, near St. John's Church. 6. Harrington Street, near Warwick Street. 7. Argyle Street, near Warwick Street. 8. Murray Street, near Liverpool Street.

Electoral Districts.	Polling-Places.
Queenborough - - -	1. Kingston. 2. Sandy Bay, near the Second Milestone. 3. Cascade Road, near the Reservoir.
Glenorchy - - -	1. Glenorchy, near the Seventh Milestone. 2. The Racecourse at New Town. 3. Colville Street, near the New Town Road.
Kingborough - - -	1. Kingston. 2. Oyster Cove. 3. Kelly's Point, North Bruni. 4. Three Hut Point. 5. Lovett, Port Cygnet. 6. Victoria.
Franklin - - -	1. Franklin. 2. Dover, Port Esperance.
New Norfolk - - -	1. Court House, New Norfolk. 2. Styx Bridge.
Cumberland - - -	1. Bothwell. 2. Hamilton. 3. Ouse Bridge. 4. Woolpack Inn, Macquarie Plains.
Oatlands - - -	1. Oatlands. 2. Jericho. 3. Antill Ponds.
Brighton - - -	1. Kempton. 2. Pontville.
Richmond - - -	Richmond.
Clarence - - -	1. Bellerive. 2. Rokeby.
Sorell - - - -	1. Cascade's, Tasman's Peninsula. 2. Sorell. 3. Buckland. 4. Triabunna.
Glamorgan - - -	1. Swansea. 2. Bicheno. 3. Glen Gala.
Campbell Town - -	1. Campbell Town. 2. Ross. 3. Cleveland.
Fingal - - - -	1. Fingal. 2. Avoca. 3. Cullenswood. 4. Falmouth.
Morven - - - -	1. Evandale. 2 Upper Nile Bridge. 3. Lower Nile Bridge.
Selby - - - -	1. Mulgrave Square, in the suburbs of Launceston. 2. Hadspen. 3. Patterson's Plains, near the Church. 4. Coulson's, in the Parish of Wareham. 5. Cimitiere Point, in the Parish of St. Michael's.
Norfolk Plains - -	Longford.
Ringwood - - -	1. Cressy, near the Bridge over Brumby's Rivulet. 2. Campbell Town.
George Town - - -	George Town.

TASMANIA.

Electoral Districts.	Polling-Places.
Launceston - - -	1. St. John's Square, Launceston. 2. The Market Place, ditto. 3. St. George's Square, ditto. 4. The Court House, ditto.
Westbury - - -	Westbury.
Deloraine - - -	Deloraine.
Devon - - - -	1. Torquay. 2. Burnie, Emu Bay. 3. Stanley.

SCHEDULE D.

Forms for Legislative Council.

No. 1.

Precept of the Clerk of the Peace to Returning Officers of Electoral Districts for the Return of Members of the Legislative Council.

Hobart Town to wit, [or Launceston, as the case may be.] } To the Returning Officer of the Electoral District of

In pursuance of "The Electoral Act, 1856," I require your attention to the following Instructions:—

N.B. The blanks in this Section to be filled up in accordance with the provisions of Part 2. of this Act.

On or before the day of you are to make out an Alphabetical List of all persons who in your judgment are entitled to be placed upon the Electoral Roll for the return of Members to serve in the Legislative Council for the Electoral District of ; and in making out such List you must write or cause to be written the Christian name and surname of every such person at full length, together with the place of his abode, and the nature of his qualification; and you must also write the particulars of such qualification in the manner indicated in the heading to the third column of No. 2. (herewith sent).

And on or before the day of you are to publish written or printed copies of such List in the following manner:—You are to cause one copy of such List to be inserted in the Hobart Town Gazette, and in one at least of the Newspapers published in Hobart Town, and in one at least of the Newspapers published in Launceston; and you are to affix or cause to be affixed one of such copies on or near the outside of the outer door or of the outer wall near the door of every Church and Registered Chapel and of every Police Office, and if there be no Church, Registered Chapel, or Police Office, then in some public place in your Electoral District; and such copies must remain so affixed during a period of fourteen consecutive days.

You are to keep a copy of such List signed by you, to be perused by any person, without payment or demand of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, during the fourteen consecutive days next after the List shall have been first published.

You are to make out a List according to the Form No. 4., containing the name of every person who shall have given or transmitted to you, on or before the day of , his claim to have his name inserted in the Electoral Roll of your District; and you are to make out a List according to the Form numbered (6.) [herewith sent] containing the name of every person against whom a Notice of Objection shall have been given or transmitted to you on or before the day of as not being entitled to have his name placed on the Electoral Roll of your District; and on or before the day of you are to sign and publish each of such Lists in the same manner as before mentioned with regard to the Alphabetical List to be made out by you of persons entitled to be placed on the Electoral Roll for the return of Members of the Legislative Council for such District; and you are to keep a copy of each of such Lists to be perused by any person, without payment or demand of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after you shall have so published such List; and you are to deliver a copy of such List to any person requiring the same on payment of two shillings and sixpence for each copy.

And if you find any such Notice, List, or other document published and affixed by you as aforesaid to be destroyed, mutilated, defaced, or removed, you are forthwith to place another, to the same effect, in its place.

On or before the day of you are to deliver to me the Alphabetical List of persons entitled to be placed upon the Electoral Roll for the return

of Members of the Legislative Council, the List of Claimants, and also a copy of the List of persons objected to, signed by you.

You are to attend the Court to be holden by the Barrister appointed to revise the Lists relating to your Electoral District; and you are there to deliver to the Barrister holding such Court the original Notices of Claim and original Notices of Objection given to you as aforesaid.

Herein if you fail you will be liable to the penalties in that case provided.

Given under my hand, this day of .

[Signed] A.B.,
Clerk of the Peace for .

No. 2.

LIST of PERSONS entitled to be placed on the ELECTORAL ROLL for the Return of Members of the Legislative Council for the Electoral District of

Christian Name and Surname of each Person at full length.	*Place of Abode.*	*Nature of Qualification.*	*If Property Qualification*—the Place where Property situate, and the Name or Description of Property. *If qualified as a Graduate*—the University at which Degree taken, and the Year in which Degree conferred. *If qualified as Barrister or Solicitor*—the Date of Admission. *If qualified as Medical Man*—Date when Qualification acquired. *If qualified as Officiating Minister of Religion*—the Sect, and when and by whom ordained and appointed, and where officiating. *If qualified as an Officer of Her Majesty's Land or Sea Forces*—Branch of the Service, and when and where last on actual Service.

No. 3.

NOTICE of CLAIM to be given to RETURNING OFFICER.

To the Returning Officer of the Electoral District of

I HEREBY give you notice, that I claim to have my Name inserted in the Electoral Roll for the Return of Members of the Legislative Council for the Electoral District of and that the particulars of my Place of Abode, and Qualification, are stated in the columns below.

Dated at the day of 18 .

[Signed] of

Christian Name and Surname of Person at full length.	*Place of Abode.*	*Nature of Qualification.*	*If Property Qualification*—the Place where Property situate, and Name or Description of Property. *If qualified as a Graduate*—the University at which Degree taken, and the Year when Degree conferred. *If a Barrister or Solicitor*—the Date of Admission. *If a Medical Man*—the Date when Qualification acquired. *If as Officiating Minister of Religion*—the Sect, and when and where ordained or appointed, and where officiating. *If as an Officer of Her Majesty's Land or Sea Forces*—the branch of the Service, and when and where last on actual Service.

TASMANIA.

No. 4.

LIST of PERSONS claiming to be entitled to be placed on the ELECTORAL ROLL for the Return of Members of the Legislative Council for the Electoral District of

Christian Name and Surname of Person at full length.	*Place of Abode.*	*Nature of the Qualification.*	*If Property Qualification*—the Place where Property situate, and Name or Description of Property. *If qualified as a Graduate*—the University at which Degree taken, and the Year in which Degree conferred. *If qualified as Barrister or Solicitor*—the Date of Admission. *If qualified as Medical Man*—Date when Qualification acquired. *If qualified as Officiating Minister of Religion*—the Sect, and when and by whom ordained or appointed, and where officiating. *If qualified as an Officer of Her Majesty's Land or Sea Forces*—Branch of the Service, and when and where last on actual Service.

No. 5.

NOTICE of OBJECTION.

To the Returning Officer of the Electoral District of ; and to Mr. [the person objected to.]

I HEREBY give you and each of you notice, that I object to the Name of of [describe the person objected to as described in the List of Persons entitled to be placed on the Electoral Roll] being placed on the Electoral Roll for the Electoral District of

Dated at this day of 18 .

[Signed] of [Place of Abode]

on the List of Persons entitled to be on Electoral Roll for Electoral District of

No. 6.

LIST of PERSONS OBJECTED TO.

The following Persons have been objected to as not being entitled to have their Names placed on the Electoral Roll for the Return of Members of the Legislative Council for the District of

Christian Name and Surname of each Person objected to.	*Place of Abode.*	*Nature of the supposed Qualification*	*If Property Qualification*—the Place where Property situate, and Name or Description of Property. *If Qualification as a Graduate*—the University at which Degree taken, and the Year in which Degree conferred. *If a Barrister or Solicitor*—the Date of Admission. *If a Medical Man*—Date when Qualification acquired. *If as Officiating Minister of Religion*—the Sect, and when and by whom ordained or appointed, and where officiating. *If as an Officer of Her Majesty's Land or Sea Forces*—the branch of the Service, and when and where last on actual Service.

SCHEDULE E.

Forms for House of Assembly.

No. 1.

Precept of the Clerk of the Peace to the Returning Officers.

Hobart Town [or Launceston, as the case may be,] (to wit) } To the Returning Officer of the Electoral District of

In pursuance of "The Electoral Act, 1856," I require your attention to the following instructions:—

N.B. The blanks in this Form to be filled up in accordance with the Provisions of Part 2. of Act.

On or before the day of you are to make out an alphabetical List of all persons who in your judgment are entitled to be placed on the Electoral Roll for the Return of Members to serve in the House of Assembly for the Electoral District of ; and in making out such List you must write or cause to be written the Christian name and surname of every such person at full length, together with the place of his abode, and the nature of his qualification; and you must also write the particulars of such qualification in the manner indicated in the heading to the third column of No. 2. (herewith sent).

And on or before the day of you are to publish written or printed copies of such List in the following manner:—You are to cause one copy of such list to be inserted in "The Hobart Town Gazette," and in one at least of the newspapers published in Hobart Town, and in one at least of the newspapers published in Launceston; and you are to affix or cause to be affixed one of such copies on or near the outside of the outer door, or of the outer wall near the door, of every church and registered chapel, and of every police office, and in the event of there being no church or registered chapel or police office then in some public place in your Electoral District, and such copies must remain so affixed during a period of fourteen consecutive days.

You are to keep a copy of such List, signed by you, to be perused by any person without payment or demand of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, during the fourteen consecutive days next after the List shall have been first published.

You are to make out a List, according to the Form No. 4, containing the name of every person who shall have given or transmitted to you on or before the day of his claim to have his name inserted in the Electoral Roll of your District; and you are to make out a List according to the Form numbered (6) (herewith sent) containing the name of every person against whom a Notice of Objection shall have been given or transmitted to you on or before the day of as not being entitled to have his name placed on the Electoral Roll of your District; and on or before the day of you are to sign and publish each of such Lists in the same manner as before mentioned with regard to the alphabetical List to be made out by you of persons entitled to be placed on the Electoral Roll for the return of Members of the House of Assembly for such District; and you are to keep a copy of each of such Lists to be perused by any person, without payment or demand of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after you shall have so published such List; and you are to deliver a copy of such List to any person requiring the same on payment of two shillings and sixpence for each copy.

If you find any such Notice, List, or other document published and affixed by you as aforesaid to be destroyed, mutilated, defaced, or removed, you are forthwith to place another to the same effect in its place.

On or before the day of you are to deliver to me the alphabetical List of persons entitled to be placed on the Electoral Roll for the return of Members of the House of Assembly so to be made out by you, the List of Claimants, and also a copy of the List of persons objected to,—all of such Lists being signed by you.

You are to attend the Court to be holden by the Barrister appointed to revise the Lists relating to your Electoral District; and you are there to deliver to the Barrister holding such Court the original Notices of Claim and original Notices of Objection given to you as aforesaid.

Herein if you fail you will be liable to the penalties in that case provided.

Given under my hand, this day of .

[Signed] A.B.,
Clerk of the Peace for

TASMANIA.

No. 2.

LIST of PERSONS entitled to be placed on the ELECTORAL ROLL for the Return of a Member of the House of Assembly for the Electoral District of

Christian Name and Surname of each Person at full length.	*Place of Abode.*	*Nature of Qualification.*	*If Property Qualification*—the Place where Property situate, and the Name or Description of Property. *If qualified in respect of Occupancy*—where Property situate, and Name of Landlord, and Description of Property. *If qualified in respect of Licence to depasture Lands*—Place where Land situate, and Date of Licence. *If qualified in respect of Leasehold Property*—Place where Property situate, and Name of Lessor. *If qualified in respect of Salary of £100 per annum*—state Name of Employer, and Date of Appointment. *If qualified as a Graduate*—the University at which Degree taken, and the Year in which Degree conferred. *If qualified as Barrister or Solicitor*—the Date of Admission. *If qualified as Medical Man*—date when Qualification acquired. *If qualified as Officiating Minister of Religion*—the Sect, and when and by whom ordained or appointed, and where officiating. *If qualified as an Officer of Her Majesty's Land or Sea Forces*—Branch of the Service, and when and where last on actual Service.

No. 3.

NOTICE of CLAIM to be given to RETURNING OFFICER.

To the Returning Officer of the Electoral District of

I HEREBY give you notice, that I claim to have my Name inserted in the Electoral Roll for the Return of Members of the House of Assembly for the Electoral District of and that the particulars of my Place of Abode and Qualification are stated in the columns below.

Dated at the day of 18 .

[*Signed*] of

Christian Name and Surname of Person at full length.	*Place of Abode.*	*Nature of Qualification.*	*If Property Qualification*—the Place where Property situate, and Name or Description of Property. *If qualified in respect of Occupancy*—where Property situate, and Name of Landlord, and Description of Property. *If qualified in respect of Licence to depasture Lands*—Place where Land situate, and Date of Licence. *If qualified in respect of Leasehold Property*—Place where Property situate, and Name of Lessor. *If qualified in respect of Salary of £100 per annum*—state Name of Employer, and Date of Appointment. *If qualified as a Graduate*—the University at which Degree taken, and the Year in which Degree conferred. *If qualified as Barrister or Solicitor*—the Date of Admission. *If qualified as Medical Man*—the Date when Qualification acquired. *If qualified as Officiating Minister of Religion*—the Sect, and when and by whom ordained or appointed, and where officiating. *If qualified as an Officer of Her Majesty's Land or Sea Forces*—Branch of the Service, and when and where last on actual Service.

No. 4.

LIST of CLAIMANTS.

LIST of PERSONS claiming to be entitled to be placed upon the ELECTORAL ROLL for the Return of Members of the House of Assembly for the Electoral District of

Christian Name and Surname of each Person at full length.	*Place of Abode.*	*Nature of Qualification.*	*If Property Qualification*—the Place where Property situate, and Name or Description of Property. *If qualified in respect of Occupancy*—where Property situate, and Name of Landlord, and Description of Property. *If qualified in respect of Licence to depasture Lands*—Place where Land situate, and Date of Licence. *If qualified in respect of Leasehold Property*—Place where situate, and Name of Lessor. *If qualified in respect of Salary of* £100 *per annum*—state Name of Employer, and Date of Appointment. *If qualified as a Graduate*—the University at which Degree taken, and the Year in which Degree conferred. *If qualified as Barrister or Solicitor*—the Date of Admission. *If qualified as Medical Man*—the Date when Qualification acquired. *If qualified as Officiating Minister of Religion*—the Sect, and when and by whom ordained or appointed, and where officiating. *If qualified as an Officer of Her Majesty's Land or Sea Forces*—Branch of the Service, and when and where last on actual Service.

No. 5.

NOTICE of OBJECTION.

To the Returning Officer of the Electoral District of and to Mr. [here insert Name and Address of person objected to].

I HEREBY give you notice, that I object to the name of [describe the person objected to as described in the List of persons entitled to vote] being placed on the Electoral Roll for the Electoral District of

Dated this day of

[Signed] A.B. of [Place of Abode] on the List of Persons entitled to be on the Electoral Roll for the Electoral District of

TASMANIA.

No. 6.

LIST of PERSONS objected to.

THE following Persons have been objected to as not being entitled to have their Names placed on the Electoral Roll for the Return of Members of the House of Assembly for the District of

Christian Name and Surname of each Person at full length.	*Place of Abode.*	*Nature of Qualification.*	*If Property Qualification*—the Place where Property situate, and Name or Description of Property. *If qualified in respect of Occupancy*—where Property situate, and Name of Landlord and Description of Property. *If qualified in respect of Licence to depasture Lands*—Place where Land situate, and Date of Licence. *If qualified in respect of Leasehold Property*—Place where situate, and Name of Lessor. *If qualified in respect of Salary of £100 per annum*—state Name of Employer, and Date of Appointment. *If qualified as a Graduate*—the University at which Degree taken, and the Year in which Degree conferred. *If qualified as Barrister or Solicitor*—the Date of Admission. *If qualified as Medical Man*—the Date when Qualification acquired. *If qualified as Officiating Minister of Religion*—the Sect, and when and by whom ordained or appointed, and where officiating. *If qualified as an Officer of Her Majesty's Land or Sea Forces*—branch of the Service, and when and where last on actual Service.

SCHEDULE F.

No. 1.

BALLOT-PAPER to be used at the Election of a Member of the Legislative Council.

Directions for Use.

THE Voter is to take this paper into the inner room, and there immediately to strike through in ink the names of the Candidates for whom he does not intend to vote. But he must be careful, if only one Member is to be returned for the district, not to leave more than the name of one Candidate not struck through, and if there be more than one Member to be returned for such district, he does not leave the names of more candidates not struck out than there are Members to be returned for such Electoral District.

N.B.—If this direction be not attended to, the Ballot-Paper will be invalid.

The Voter must not take this Paper out of the room in which he receives it, excepting into the inner room, where he is entitled to strike through the Candidates' names in secrecy, and neither the Returning Officer nor other person is entitled to approach him whilst he is so striking through the Candidates' names. Immediately the Candidates names are struck through, the Voter is to put this paper into the Ballot-Box, and whilst he is so doing no person is to approach him.

N.B.—Any Voter guilty of unnecessary delay in filling up this Ballot-Paper will be subject to the penalties of a misdemeanor.

[Signed] A.B.
Clerk of the Peace.
[Countersigned] C.D.
Returning Officer for the Electoral District of

[Here the Candidates' names will be written or printed in alphabetical order and numbered in figures in regular succession.]

No. 2.

BALLOT-PAPER to be used at the Election of a Member of the House of Assembly.

Directions for Use.

THE Voter is to take this paper into the inner room, and there immediately to strike through in ink the names of the Candidates for whom he does not intend to vote. But he must be careful, if only one Member is to be returned for the district, not to leave more than the name of one Candidate not struck through, and if there be more than one Member to be returned for such district, he does not leave the names of more Candidates not struck out than there are Members to be returned for such Electoral District.

N.B.—If this direction be not attended to, the Ballot-Paper will be invalid.

The Voter must not take this Paper out of the room in which he receives it, excepting into the inner room, where he is entitled to strike through the Candidates' names in secrecy, and neither the Returning Officer nor other person is entitled to approach him whilst he is so striking through the Candidates' names. Immediately the Candidates' names are struck through, the Voter is to put this paper into the Ballot-Box, and whilst he is so doing no person is to approach him.

Any Voter guilty of unnecessary delay in filling up this Ballot-Paper will be subject to the penalties of a misdemeanor.

[Signed] A.B.
Clerk of the Peace.
[Countersigned] C.D.
Returning Officer for the Electoral District of

[Here the Candidates' names will be written or printed in alphabetical order, and numbered in figures in regular succession.]

MICHAEL FENTON,
Speaker.

Passed the Legislative Council, this fourth day of February one thousand eight hundred and fifty-six.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Governor.

Government House, Hobart Town,
7th February 1856.

TASMANIA.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Honourable Sir GEORGE GREY to Governor Sir H. E. F. YOUNG.

(No. 22.)

SIR, Downing Street, March 17, 1855.

I HAVE received Sir W. Denison's Despatch, No. 46,* of the 15th of November last, submitting for the Royal allowance an authenticated transcript of an Act (No. 15 of 18 Vict.) passed by the Legislature of Van Diemen's Land, and intituled "An Act to establish new Electoral Districts in the "Colony of Van Diemen's Land, and to increase the Number of Members of "the Legislative Council thereof."

I have to acquaint you, that I have laid this Act before the Queen, and that Her Majesty has been pleased to approve and allow the same.

You will accordingly communicate Her Majesty's decision to the inhabitants of the Colony under your Government by a Proclamation to be published in the usual and most authentic manner.

I have, &c.
(Signed) G. GREY.

Governor Sir H. E. F. Young,
&c. &c. &c.

* *Vide* Papers presented, March, 1855, page 5.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Honourable Lord JOHN RUSSELL to Governor Sir H. E. F. YOUNG.

(No. 8.)

SIR, Downing Street, May 4, 1855.

I TRANSMIT to you an Order in Council, conveying Her Majesty's assent to the Act of the Legislature of Van Diemen's Land, intituled "An "Act to establish a Parliament in Van Diemen's Land, and to grant a Civil "List to Her Majesty," transmitted with Sir W. Denison's despatch* of the 15th November last.

As this Act was passed in accordance with the provisions of existing Acts of Parliament, I have had no difficulty, on legal grounds, in asking Her Majesty thus to signify Her assent to it, as soon as it had lain thirty days before Parliament.

It will, however, be necessary, in order to place the Legislature legally in a position to deal with the land revenues, in return for the liberal provision made by this Act for the public service of the province, that the Waste Land Acts should be repealed so far as they affect Van Diemen's Land, which will be proposed to Parliament as part of the general measures necessary to effect the changes now in contemplation in the legislative institutions of the other Australian provinces.

I have only to add, that compensation being by this Act secured to existing officers who may be deprived of their appointments through the operation of responsible government, there can now be no obstacle to the introduction of that system as soon as the newly constituted Parliament may think fit; nor do any legislative measures appear necessary for this important change.

It will, however, be necessary, that certain alterations should be made in your commission and instructions to accompany this change; and the amended instruments shall be transmitted to you as soon as the necessary forms have been completed.

I have, &c.
(Signed) J. RUSSELL.

Governor Sir H. E. F. Young,
&c. &c. &c.

* *Vide* Papers presented, March, 1855, page 11.

Enclosure in No. 2.

At the Court at Buckingham Palace, the 1st day of May 1855.

PRESENT:

The Queen's most Excellent Majesty in Council.

Whereas by an Act passed in the session of Parliament held in the fifth and sixth years of Her Majesty's reign, intituled "An Act for the Government of New South Wales "and Van Diemen's Land," it is amongst other things enacted, that "no Bill which shall "be reserved for the signification of Her Majesty's pleasure therein shall have any force "or authority within the colony of New South Wales until the Governor of the said "colony shall signify, either by speech or message, to the Legislative Council of the said "colony, or by proclamation, as therein aforesaid, that such Bill has been laid before Her "Majesty in Council, and that Her Majesty has been pleased to assent to the same:" And whereas by another Act passed in the session of Parliament held in the thirteenth and fourteenth years of Her Majesty's reign, intituled "An Act for the better Government "of Her Majesty's Australian Colonies," it was provided, amongst other things, that the provisions of the said former Act concerning the reservation of Bills for the signification of Her Majesty's pleasure should apply to and be in force in the colony of Van Diemen's Land:

And whereas on the 1st November 1854 the Governor of the said colony of Van Diemen's Land reserved a certain Bill passed by the Legislative Council of the said colony, intituled "An Act to establish a Parliament in Van Diemen's Land, and to grant "a Civil List to Her Majesty, for the signification of Her Majesty's pleasure thereon:" And whereas the said Bill so reserved as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Bill should be assented to by Her Majesty: Now, therefore, Her Majesty, in pursuance of the said Acts, and in exercise of the powers thereby reserved to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare Her assent to the said Bill.

And the Right Honourable Lord John Russell, one of Her Majesty's Principal Secretaries of State is to give the necessary directions herein accordingly.

(Signed) WM. L. BATHURST.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir H. E. F. YOUNG.

(No. 48.)

SIR, Downing Street, July 20, 1855.

I TRANSMIT to you, for your information, copies of the Acts which have now received the Royal Assent, for establishing the New Constitutions of New South Wales and Victoria, and also of an Act to repeal the Australian Waste Lands Acts, which has also received the Royal Assent.

18 & 19 Victoria.
Cap. 54.
Cap. 55.
Cap. 56.

This latter Act extends, as you will observe, to Van Diemen's Land, and the provisions making valid past appropriations of the proceeds of waste lands, notwithstanding their not having been made in accordance with those Acts, has been introduced partly with a view to possible difficulties which may have occurred in Van Diemen's Land from the Acts in question or either of them taking effect therein after the repeal of the Order in Council making it a convict colony.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &.

(Signed) J. RUSSELL.

No. 4.

No. 4.

COPY of a DESPATCH from the Right Hon. Sir WM. MOLESWORTH to Governor Sir H. E. F. YOUNG.

(No. 4.)

SIR, Downing Street, August 4, 1855.

IN accordance with the undertaking of my predecessor in this department, I have now to transmit to you an Order in Council, approving a Proclamation (to be duly issued by yourself in the colony in Her Majesty's name), substituting the name of Tasmania for that of Van Diemen's Land.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c.

(Signed) W. MOLESWORTH.

TASMANIA.

Encl. 1 in No. 4.

Enclosure 1 in No. 4.

At the Court at Osborne House, Isle of Wight, the 21st day of July 1855.

PRESENT,

The Queen's most Excellent Majesty in Council.

WHEREAS a petition has been addressed to Her Majesty by the Members of the Legislative Council of the colony of Van Diemen's Land in Council assembled, praying that Her Majesty will be graciously pleased to proclaim that in respect of the said colony the name of Tasmania be substituted for that of Van Diemen's Land, the prayer of which petition Her Majesty has been graciously pleased to grant: And whereas in pursuance thereof there was this day read at the Board the draft of a Proclamation substituting the name of Tasmania for that of Van Diemen's Land as the designation of the said colony; Her Majesty, having taken the same into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, and it is hereby ordered, that the said proclamation do take effect and come into force upon the 1st day of January now next ensuing.

And the Right Honourable Sir William Molesworth, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) C. C. GREVILLE.

Encl. 2 in No. 4.

Enclosure 2 in No. 4.

PROCLAMATION substituting the Name of TASMANIA for that of VAN DIEMEN'S LAND.

WHEREAS We have, on the petition of the Members of the Legislative Council of Our colony of Van Diemen's Land in Council assembled, determined that the name of Tasmania shall be substituted for that of Van Diemen's Land, as the designation of the said colony, We have therefore, by and with the advice of Our Privy Council, thought fit to issue this Our Royal Proclamation, and We do ordain, declare, and command that on and after the 1st day of January next the said colony of Van Diemen's Land and the territory belonging thereto shall be called and known by the name of Tasmania, and We hereby give Our commands to all public departments accordingly.

No. 5.

No. 5.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir H. E. F. YOUNG.

(No. 6.)

SIR, Downing Street, January 11, 1856.

I HAVE to inform you, that I have laid before Her Majesty the Address of the Legislative Council, transmitted with your Despatch* No. 134. of the 18th September last, and that Her Majesty was pleased to receive the same very graciously.

Page 112.

With regard to the subject of that Address, namely, the alleged grievance of the appointment of officers from England, it appears to me that the form of Government now established in the colony, under which the Governor will be advised as to appointments as well as other subjects by officers responsible to the representatives of the people, must remove any cause of complaint. But I feel bound to add, that Her Majesty's Government cannot concur in the expediency of laying down so general a rule as that proposed in the Address, the result of which, if carried into execution, must be that no appointment to office could be made in any province of the British dominions, except from among the natives of that particular province.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c.

(Signed) H. LABOUCHERE.

WESTERN AUSTRALIA.

WESTERN AUSTRALIA.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Honourable Lord JOHN RUSSELL to Governor KENNEDY.

(No. 18.)

SIR, Downing Street, July 20, 1855.

18 & 19 Victoria, Caps. 54, 55, 56.

I TRANSMIT to you, for your information, copies of the Acts which have now received the Royal assent, for establishing the New Constitutions of New South Wales and Victoria, and also of an Act which has likewise received the Royal assent, to repeal the Australian Waste Lands Acts.

You will take notice of the provision of this latter Statute, which preserves for the present the right of the Crown to regulate the disposal of waste land in Western Australia.

I have, &c.
(Signed) J. RUSSELL.

Governor Kennedy,
&c. &c.

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FURTHER PAPERS

RELATIVE TO

CROWN LANDS

IN THE

AUSTRALIAN COLONIES.

(*In continuation of Papers presented* 10*th August* 1854.)

Presented to both Houses of Parliament by Command of Her Majesty,
25*th July* 1856.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.
1856.

2141

SCHEDULE.

NEW SOUTH WALES.

DESPATCHES FROM THE GOVERNOR-GENERAL.

Number in Series.	Date and Number.	SUBJECT.	Page.
1	June 20, 1854 (80)	SURVEY DEPARTMENT, proposed increase of. Letter from Surveyor-General, suggesting that twelve surveyors be engaged in England on certain terms - -	1
2	Sept. 18, 1854 (138)	PROCLAMATIONS OF DISTRICTS OF LOWER DARLING, GWYDIR, AND ALBERT. Reporting the circumstances attending, and consequent arrangements - - - - - .	2
3	Dec. 30, 1854 (179)	PORT CURTIS. Enclosing plan of the BOUNDARIES of the TOWN OF GLADSTONE - - - Arrangement adopted of making the land in the counties of Clinton, Deas Thomson, and Livingstone, of the settled class - - - - -	3
4	Dec. 30, 1854 (187)	PORT CURTIS. Enclosing regulations for the occupation on annual lease of the lands situated in the above counties - - - - -	4
5	Aug. 10, 1855 (122)	MINERAL LANDS NOT AURIFEROUS. Acknowledging Order in Council of February 1855, establishing regulations for the demise of. Suggesting that LAND KNOWN TO CONTAIN COAL should be exempt from the operation of these rules. Proposing a code of regulations specially applicable to such lands - -	8
6	Sept. 8, 1855 (138)	MEMORIAL FROM CERTAIN OCCUPIERS OF LAND IN THE DISTRICT OF EDEN. Furnishing report on the subject of - - - -	10
7	Oct. 13, 1855 (163)	SURVEY DEPARTMENT. Enclosing report of Board of Enquiry into the administration of the department -	11
8	Jan. 19, 1856 (11)	RESERVE OF WATER FRONTAGE ON THE RIVER MURRAY. Question will be left for the consideration of the local legislature - - -	11

DESPATCHES FROM THE SECRETARY OF STATE.

1	Sept. 5, 1854 (42)	MINERAL LANDS NOT AURIFEROUS. Enclosing Order in Council for the establishment of regulations for the demise of Crown Lands supposed to contain minerals not auriferous - - - - -	26
2	Dec. 25, 1854 (26)	MEMORIAL FROM CERTAIN OCCUPIERS OF LAND IN THE DISTRICT OF EDEN. To furnish a report on - - - - -	27
3	March 2, 1855 - (Separate.)	PORT CURTIS. Enclosing Order in Council declaring three of the new counties to belong to the settled and five to the intermediate class of lands - - -	28

NEW SOUTH WALES.

Number in Series.	Date and Number.	SUBJECT.	Page.
4	March 2, 1855 (Separate.)	MINERAL LANDS NOT AURIFEROUS. Enclosing a new Order in Council establishing regulations for the demise of mineral lands not auriferous	29
5	May 12, 1855 (14)	RESERVES ON THE RIVER MURRAY. Attention called to Sir Henry Young's suggestions in reference to	30
6	June 1, 1855 (14)	SURVEY DEPARTMENT. Inclosing copies of the correspondence which has passed, showing the steps taken for the proposed increase of	31
7	June 19 1855 (39)	PORT CURTIS. Acknowledging the Despatches supplying the information as to the boundaries of the Town of Gladstone, and signifying the approval of Her Majesty's Government of the regulations for the occupation of lands for pastoral purposes in the counties of Clinton, Deas Thomson, and Livingstone	34
8	July 4, 1855 (44)	SURVEY DEPARTMENT. Copies of further correspondence relative to the increase of	35
9	July 20, 1855 (53)	IMPERIAL ACT REPEALING "WASTE LANDS ACTS," which has received the Royal Assent. Transmitted	36
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NEW SOUTH WALES.

NEW SOUTH WALES.

Despatches from Governor-General Sir Charles FitzRoy.

No. 1.

No. 1.

COPY of a DESPATCH from Governor-General Sir CHARLES FITZROY to the Duke of NEWCASTLE.

(No. 80.)

Government House, Sydney,
June 20, 1854.
(Received October 6, 1854.)

MY LORD DUKE, (Answered, No. 24, June 1, 1855, page 31.)

I HAVE the honour to transmit to you an extract from a letter which has been addressed to me by the Surveyor-General, proposing, with a view to remedy the deficiency in the number of the surveying staff employed under his orders, and the consequent insufficiency of measurements of lands for sale to meet the wants of the public, that twelve surveyors may be engaged in England on the conditions he mentions; and I beg to recommend to your Grace that the suggestions therein offered may, if practicable, be complied with, and the necessary authority given to the Agent-General for Crown colonies. 1 June 1854.

I have, &c.
(Signed) CHARLES FITZROY.

To His Grace The Duke of Newcastle,
&c. &c. &c.

P.S.—I beg to add that since writing the above the Surveyor-General has informed me that, if possible, the contracting parties should engage to bring their assistants or labourers with them.

Enclosure in No. 1.

Encl. in No. 1.

I HAVE the honour to submit for the consideration of his Excellency the Governor-General, that, notwithstanding competent surveyors have been invited to come forward for the public service, by advertisement in the Gazette, no such aid is likely to be obtained by that means as is now requisite for the measurement of the areas of small farms, for which applications have already been sent in by the public.

2. As there is now much clamour for the measurement of such small farms generally, while the number of the surveying staff is so deficient, and the measurements required on applications that have been already made have fallen into arrear, I venture to suggest that application might be made to Her Majesty's Government, in order that, say, twelve surveyors, be engaged in England by the Colonial Agent-General to survey by contract, on the last approved scale of terms as herein enclosed, full work on these terms being guaranteed to such surveyors for three years from the date of their arrival in this colony.

NEW SOUTH WALES.

Sub-Encl. to Encl. in No. 1.

Sub-Enclosure in No. 1.

SCALE for Licensed Surveyors' Fees to be substituted for that in use, 5th April 1854.

Area of portions in acres.			Amount for first portion.			Amount for each additional portion conterminous.		
			£	s.	d.	£	s.	d.
	Less than	1	1	0	0	0	10	0
1	and less than	5	1	0	0	0	15	0
5	"	10	2	0	0	1	10	0
10	"	20	3	0	0	2	5	0
20	"	40	4	0	0	3	0	0
40	"	80	5	0	0	3	15	0
80	"	160	6	0	0	4	10	0
160	"	320	7	0	0	5	5	0
320	"	640	8	0	0	6	0	0

Note.—All lands measured within three months of the date of the letter of instructions a further increase of ten per cent. will be allowed, with a corresponding decrease on all lands measured later than six months after the date of instructions.

No. 2.

No. 2. COPY of DESPATCH from Governor-General Sir CHARLES FITZROY to the Right Hon. Sir GEORGE GREY, Bart.

(No. 138.) Government House, Sydney, September 18, 1854.
(Received December 5, 1854.)

SIR,

I HAVE had the honour to receive a Despatch from the Duke of Newcastle, dated 5th May last, No. 50, in which his Grace enclosed an extract of a letter from the Assistant Secretary to the Lords Commissioners of the Treasury, with a statement prepared by the Commissioners of Audit, concerning the accounts of the Crown revenue for the year 1848, and called upon me for an explanation of the circumstances attending the creation of two new districts, and the appointment of the Commissioners of Crown Lands thereof.

2. In accordance with these instructions, I have now the honour to furnish the following report.

3. In January 1847 it was brought under my notice that a large portion of the tract of country which, as I shall proceed to explain, has been subsequently called the Lower Darling District, had been occupied without licences, no less than seventeen official tenders for runs in one neighbourhood having been received; and that many persons who expected to be told that the Government could not entertain applications for runs in a portion of the country not then proclaimed had become squatters without any authority. One individual, in a letter dated 15th November 1846, which is now before me, stated that there were even then no less than fifteen squatters residing within fifty miles of his station. An account published in the Sydney Morning Herald on 12th January 1847, of a journey overland to South Australia by a Mr. Bagot, also demonstrated the avidity with which the squatters were at that time seizing upon the Crown lands in the locality referred to, and the irregularities practised by some of them, in the absence of any constituted authority. The Surveyor-General was therefore called upon to define proper boundaries for a new district, and proposed that it should be called the Lower Darling.

4. About the same time it was represented to me that the district of Liverpool Plains, of which Mr. Mitchell was then Commissioner, had become far too thickly settled to be overlooked by one officer; and (Sir Thomas Mitchell being absent) the Deputy-Surveyor General was consulted, and recommended the boundaries of the district, which was afterwards proclaimed as the "Gwydir."

5. The whole of the voluminous correspondence which passed on the subject having been submitted to the Executive Council, the erection of the two new

districts was, after mature deliberation, determined upon. These were accordingly proclaimed, and the following appointments made by me.

6. Mr. M'Donald, until that time stationed in New England, was transferred at his own request to the Lower Darling, and Mr. Bligh was appointed to the Gwydir. Mr. Massie was appointed to relieve Mr. M'Donald, and was succeeded in the M'Leay District, of which he was the Commissioner, by Mr. E. C. Merewether, who had then just returned from North Australia, that settlement having been abandoned. Previously to the proclamation of these districts, Mr. Bligh had been appointed (on 1st August 1846) Assistant Commissioner at Liverpool Plains, with a salary equivalent to 313*l.* per annum, which was raised on 1st January following to 315*l.*; and on the division of the district, and his appointment to the charge of the Gwydir, he was allowed the same salary as that received by the other Commissioners. Some two years after Mr. M'Donald's removal to the Lower Darling, in consequence of impaired health and other causes, his duties were so neglected that, after much consideration, he was suspended from his office, and Mr. Stephen Cole, for some time chief clerk in the Audit Office, was appointed to supersede him, in the first instance as Assistant Commissioner. Mr. M'Donald soon afterwards died, and Mr. Cole was therefore gazetted Commissioner.

7. As the country became settled, the district, as at first proclaimed, proved to be far too extensive for one Commissioner to supervise; and, as in the case of Liverpool Plains, before adverted to, it was deemed necessary to divide it into two portions. The one was allowed to retain the name previously given to it; the other, to which Mr. Patrick Brougham was gazetted, was proclaimed as the "Albert" on the 1st November 1851. Mr. Brougham having declined the appointment, it was conferred upon Mr. Charles George Norman Lockhart, who was subsequently removed to the Murrumbidgee, and Mr. George Perry was appointed to succeed him.

8. The necessity for the proclamation of these districts, and the arrangement consequent thereon, occupied much of the attention of myself and of my Executive Council at the time; and I regret that the result should not have been reported to the Secretary of State; but I trust that this explanation will be satisfactory to the Lords Commissioners of Her Majesty's Treasury, and to the Commissioners of Audit.

I have, &c.
(Signed) CHARLES FITZROY.

The Right Hon. Sir George Grey, Bart.,
&c. &c. &c.

No. 3.

No. 3.

Copy of a DESPATCH from Governor-General Sir Charles FitzRoy to the Right Hon. Sir George Grey, Bart.

Government House, Sydney,
(No. 179.) December 30, 1854.
(Received April 7, 1855.)

Sir, (Answered, No. 39.—June 19, 1855, page 34.)

In the concluding portion of the Duke of Newcastle's Despatch* of the 30th April last, No. 46, I was instructed to report whether the town of Gladstone at Port Curtis had been regularly formed, and if so, whether its outward limits had been defined, so as to admit of computing therefrom the proposed distance within which it was recommended that the lands should be declared to be of the settled class.

2. I have now the honour to enclose a copy of the plan provisionally adopted of the town of Gladstone, the boundaries of which I find have not yet been definitely determined, and therefore no satisfactory description can be furnished.

3. I beg, however, to draw your attention to my Despatch,† No. 21, of the 30th January last, from which it will be seen that, with the further advice of

* Vide Papers presented 10th August 1854 page 21.
† Do. do. do. page 13.

NEW SOUTH WALES.

my Executive Council, the original proposition of striking a given radius round the township of Gladstone was abandoned, in favour of the more desirable and practicable arrangement of making all the land in the different counties of Clinton, Deas Thomson and Livingston to be of the settled class.

4. Should this proposition meet the approval of Her Majesty's Government, the definition of the limits of Gladstone will of course be unnecessary.

I have, &c.
(Signed) CHARLES FITZROY.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

No. 4.

No. 4.

COPY of a DESPATCH from Governor-General SIR CHARLES FITZROY to the Right Hon. Sir GEORGE GREY, Bart.

Government House, Sydney,
(No. 187.) December 30, 1854.
(Received April 7, 1855.)

SIR, (Answered, No. 39. June 19, 1855, page 34.)

21st Dec. 1854. Enclosure 1.

REFERRING to my Despatch of yesterday's date, No. 179, on the subject of the section of country at Port Curtis, which it was recommended should be constituted of the settled class of lands, I have the honour to submit for the approval of Her Majesty's Government copies of a regulation which, under the advice of my Executive Council, I have established for the occupation on annual lease of the lands situated within the counties of Clinton, Deas Thomson, and Livingstone.

25th Aug. 1854. Enclosure 2.

2. I enclose a copy also of the letter from the Government Resident at Port Curtis, which will fully explain the manner in which this portion of country was first occupied. Upon mature consideration, however, in Council, of the propositions contained in Captain O'Connell's letter, I found myself unable to concur in his suggestion that a pre-emptive right should be conferred on the occupants.

3. As I have already been informed in effect that Her Majesty's Government* will take the proper steps to declare the lands in question to be of the settled class, I have had no hesitation in regarding them as practically of the settled class, and the regulation has been framed accordingly.

I have, &c.
(Signed) CHARLES FITZROY.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

Encl. 1. in No. 4.

Enclosure 1. in No. 4.

PASTORAL Runs in the Counties of Clinton, Deas Thomson, and Livingstone, at Port Curtis.

Colonial Secretary's Office, Sydney,
December 21, 1854.

His Excellency the Governor-General has been pleased to direct the notification of the following regulations with regard to the occupation of pastoral runs within the counties of Clinton, Deas Thomson, and Livingstone, at Port Curtis, which have been established in pursuance of the authority contained in chapter 4. of Her Majesty's Order in Council, of 9th March 1847, namely:—

1. Leases for pastoral purposes only will be granted for any lands within the counties of Clinton, Deas Thomson, and Livingstone situated at a greater distance than twenty miles from the outer limits of the township of Gladstone.

2. The rent for such leases will be at the rate of 1*l.* per section or square mile, payable annually in advance.

3. The leases so granted will be only for a year, but they will be renewed from time to time without competition, until the lands comprised therein or any portion of such lands are required for sale or for any public purpose.

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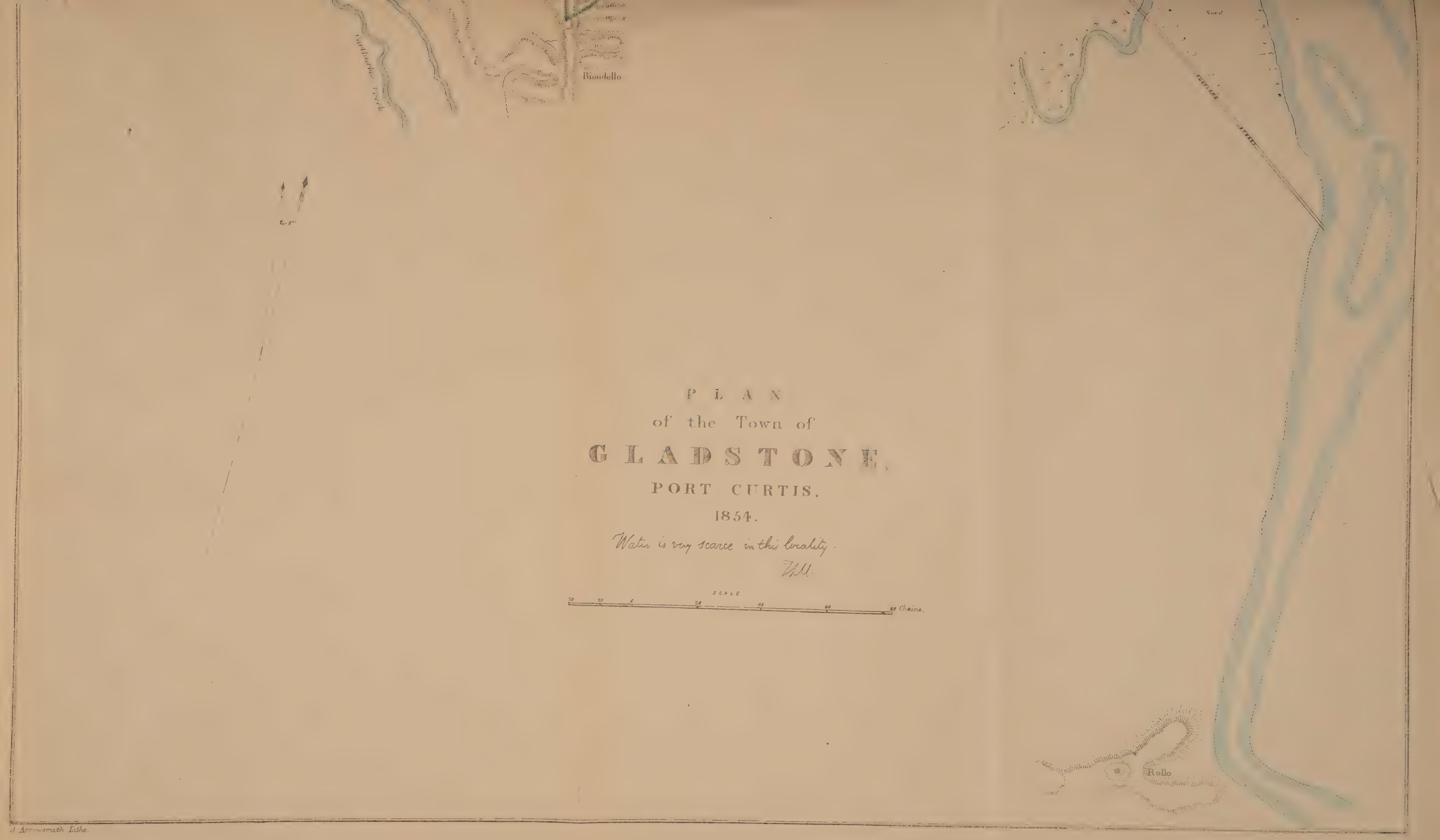
* Vide Duke of Newcastle's Despatch of 30th April 1854, No. 46, Papers presented August 1854, page 21.

PORT CURTIS
Auckland Pt.
Barney Pt.
Mangroves
Sand
AUCKLAND INLET
Reserve for Public Quay Custom House and Public Offices.
Broken ground Reserved for Police Paddock and for extension of Town if required
Reserve for Surrey Paddock and for extension of Town when required
Round Hill
Very broken ground reserved for Common
Reserve for Public Recreation
Water Reserve
Salt Creek
Auckland Creek
Tigalee Creek
Reserve for Government House Domain and Gardens
Wappentake Creek
SOUTH TREES INLET


Biondello
PLAN
of the Town of
GLADSTONE,
PORT CURTIS.
1854.
Water is very scarce in this locality.
SCALE
20 10 0 20 40 60 80 Chains.
Rollo
J. Arrowsmith Litho.

4. The tenders already sent in for runs situated wholly or partially within the above-named counties will be accepted on the terms herein prescribed, according to priority of receipt; but in case there be two or more tenders received on the same day, which either clash with each other or wholly embrace the same land, the run will in either case be submitted to public tender, as in the case of unsettled lands.

5. Future tenders for any lands within the limits herein prescribed must be addressed to the Government Resident at Gladstone, and will be dealt with in like manner according to priority of receipt.

6. The leases to be issued under this regulation will carry with them no pre-emptive right whatever, neither will any compensation be given for any improvements effected on the lands by the lessees.

7. It will be competent to the Government to cause any portion of the land comprised within such leases to be put up to sale, whether applied for to purchase or not.

8. The portion so sold, and so much of the adjoining lands as the purchaser may be entitled to occupy under the pre-emptive right conferred on him by the regulation of the 29th March 1848, will be withheld from the lessee, who will have refunded to him a rateable proportion of the rent for the time the lease has to run.

9. In all other respects the conditions of the leases to be issued under this regulation will be those of the existing regulations applicable to leases within the settled districts, for pastoral purposes only.

By his Excellency's Command,

C. D. Riddell.

Enclosure 2. in No. 4.

Encl. 2. in No. 4.

The Government Resident, Port Curtis, to the Honourable the Colonial Secretary, forwarding letters from squatters relative to lands tendered for within the boundaries of Livingstone, Deas Thomson, and Clinton counties.

Sir, Gladstone, August 25, 1854.

1. I have the honour to enclose, for the information of his Excellency the Governor-General, three letters addressed to me by the Messrs. Archer, Mr. W. H. Walsh, and Mr. Alfred Brown, gentlemen who have sent in tenders for lands situated within the boundaries of the counties of Livingstone, Deas Thomson, and Clinton, and which land they had supposed would have been open to occupation by squatters, until apprised to the contrary by the proclamation issued in the Gazette of the 10th January 1854.

2. The application made by these gentlemen is substantially to the same effect, viz., that they may be allowed to occupy the lands for which they have tendered on more favourable terms than those which regulate the occupancy of lands for merely pastoral purposes within the settled districts.

3. It seems to me there is considerable difficulty in dealing with the case brought forward by these applicants, inasmuch as the lands to which they refer are as yet unsurveyed, and therefore not open to occupation under the fourth section of the regulations of the 29th March 1848, which provides that "within the settled districts land will be let for pastoral purposes only on annual lease, in sections of 640 acres each, as charted in the Surveyor-General's office, &c.," and yet, being within the settled districts, and not coming under the class of lands provided for by the 22d section of the before-mentioned regulations of the 29th March 1848, they are not open to occupation on any other terms.

4. It would appear, therefore, that either the lands referred to must be allowed to remain idle and unoccupied for some time to come, that is to say, until the survey of the counties in which they are included is sufficiently advanced to allow the provisions of the above-mentioned fourth section of the regulations of 1848 to come into force, or special regulations must be made to meet this case.

5. Should his Excellency the Governor-General deem it proper, under these circumstances, to provide for the immediate pastoral occupation of the greater portion of these lands,—and I think it would be desirable so to do, rather than await what, in the present state of the labour market, must I fear be the slow progress of their survey,—I would venture to recommend that all lands within the counties of Clinton, Deas Thomson, and Livingstone, situated at a greater distance than twenty miles from the outer limit of the township of Gladstone, should be open to pastoral occupation on annual lease at £1 per section, renewable without competition until surveyed or required for sale, and with a right of pre-emption over 160 acres or any less quantity on which valuable improvements have been made. The applications for such lands to be addressed to the Government Resident or Commissioner of Crown Lands at Gladstone. Priority of claim to be allowed according to date of application, and all conflicting tenders submitted to public competition, as in the unsettled and intermediate districts.

6. I do not think it necessary to allude to the particular views or the personal claims to consideration put forward by each of these gentlemen, whose letters I enclose, as of course the question at issue can only be decided upon grounds affecting the general public

NEW SOUTH WALES.

good, but I believe them to be fully entitled to the merit of having shown much energy and enterprise in pushing out to and exploring the country in this neighbourhood.

7. I trust, therefore, that under any regulations to be made the tenders at present in may be allowed to hold the relative priority they now possess.

I have, &c.
(Signed) M. C. O'Connell,
Government Resident.

The Hon. the Colonial Secretary.

Sub- Encl. 1. to Encl. 2. in No. 4.

Sub-Enclosure 1. to Enclosure 2. in No. 4.

Enclosure in the Government Resident's letter to the Colonial Secretary, dated 25th August 1854.

Sir, Gidswold, Gayndah, July 17, 1854.

We do ourselves the honour of addressing you upon the subject of the proclamation issued by Government in the Gazette of January 10, 1854, throwing open the pastoral districts of Leichhardt and Port Curtis, and reserving certain tracts of land within the counties then declared from occupancy by squatters.

We address you upon this occasion under the impression that the Government Resident is the channel through which it is intended communications relating to the new districts should reach Government, and we entertain some hopes that your knowledge of the effect of the present regulations upon the advancement of Port Curtis may induce you to recommend some alterations in the regulations, as far as they relate to settled lands, which we think are in their present forms likely to retard the advancement of that settlement, and injure the squatting interest, without benefiting any other portion of the community.

The great extent of country reserved from pastoral occupation, stretching in some places to a distance of seventy miles from Gladstone, a great portion of which cannot possibly be occupied for other than squatting purposes for many years, but through which the roads to the port from the back country must necessarily pass, will be a very serious obstacle to settlers in the Leichhardt and Port Curtis districts. The dangers to which life and property are exposed in travelling over large tracts of unoccupied country have already been sufficiently exemplified in the attack made upon Messrs. Hay and Holt's drays. Upon that occasion twenty-four bales of wool were ripped open, and the contents scattered over the ground, the escort narrowly escaping upon barebacked horses. Had these drays been loaded with flour, rice, and other station supplies, the immediate loss, although that would have been considerable, would have borne no proportion to the serious evils that must have resulted from want of rations upon an outlying station, where no assistance could be obtained from less unfortunate neighbours.

The effect of the reserve is, therefore, not only the loss sustained by Government from a large tract of country which would be eagerly taken up as squattages lying waste, and returning no revenue, but the pastoral country further in the interior is rendered more difficult of settlement, and the advancement of Port Curtis greatly retarded.

It is with the greatest deference that we have the honour to suggest, for the consideration of his Excellency the Governor-General, the expediency of throwing open the greater portion of the counties proclaimed to be within the settled districts for pastoral occupation, upon the usual terms, except that the tenure should be such as would leave the Government the power of resuming the lands at any time they might be required for the better settlement of the country.

The grazier would, in our opinion, readily take up these lands upon yearly leases renewable at the original rent until the lands are required for sale, the occupier to have the right of transfer; and it might be a subject worthy the consideration of his Excellency whether granting pre-emptive right over any section where improvements to a certain value had been made would not promote the permanent settlement of the country.

In a communication addressed to the Honourable the Colonial Secretary, in August 1853, we had the honour to transmit, for the information of his Excellency, a map of the country in the neighbourhood of Gladstone, which we are glad to find has been useful to Government. We do not consider that this circumstance gives us any claim upon Government; but we beg to observe that such information having been made public is likely, in the event of the counties being thrown open, and competition admitted, to deprive us of the country we then marked, and have since applied for, as situated in the Port Curtis district, although it is in fact part of the counties of Livingstone and Clinton; and we trust that his Excellency will admit the reasonableness of our request, that the information we have furnished, in the hope of facilitating the objects of Government, may not be allowed injuriously to affect us.

We have, &c.
(Signed) Chas. Archer.
Willm. Archer.

M. C. O'Connell, Esq.,
Government Resident, Port Curtis.

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Sub-Encl. 2. to Encl. 2. in No. 4.

Sub-Enclosure 2. to Enclosure 2. in No. 4.

Enclosure in the Government Resident's letter to the Colonial Secretary, dated 25th August 1854.

SIR, Wijilbo, Gayndah, May 1, 1854.

IN accordance with the suggestion made by his Excellency the Governor-General to me while on his late trip to Gladstone, I now do myself the honour of addressing you upon the subject of the cattle runs which I have tendered for in your district, named respectively "Wretalaba," "Milton," and "Rudley," and which I discovered and marked so long ago as in 1851. These runs are situated at the head of the stream now known as Oxley's Boyne, and called by me when I discovered it the Wimgallabbee. You are aware that by a recent proclamation the whole pastoral country on these waters have been reserved from squattages, and thereby may be doomed for an indefinite period to remain as much a wilderness as I found them, and it is to avert this great evil to the district, the town of Gladstone, and particularly myself, that I now trouble you to entertain my claim to the runs mentioned, and to urge its peculiarity and justice with the Government. The peculiarity of my claim, and the justice also, consists in my being one of the actual discoverers of the whole of the unoccupied country between the Callan and Gladstone,—a large and thoroughly pastoral tract of land, and which I most respectfully would observe cannot in the present age be devoted to any other purpose. To deprive squatters of the right to occupy it then is manifestly to condemn it to uselessness; and its unoccupation likewise injures another important class, viz., the inhabitants of adjacent towns, and more particularly will Gladstone. For myself I may say that I have been waiting nearly three years for the time when I can feel justified in incurring the danger and expense of sending out stock, and which will not arrive until the Government grant me some tenure to the runs claimed; and since the immense reserve of land around Gladstone from squattages has deprived me of the chance of obtaining a lease, although my run is situated some forty miles and upwards from the town, I have now to petition the Government that I may be allowed to locate myself upon it, subject to the same advantages and conditions as have been acceded to and required of many settlers who are inhabiting the out parts of the Brisbane district. Although I am not thoroughly aware of these conditions, I believe I am correct in saying, that they hold their runs upon yearly lease, without being subject to yearly competition, pay rent for it at so much a section at the rate of 10*s.* for each, and have the pre-emptive right to purchase the same.

To obtain new country under such terms I must confess will be a sad disappointment to me, but still they are such as will warrant and induce settlers to run the risk by stocking them. I shall therefore feel greatly obliged if you will recommend the Government to allow me to take up the three blocks of land before named, upon said conditions, or rather upon those made with the Brisbane settlers, and by your informing me whether I might, with some degree of confidence, take the necessary steps for moving out to Budley this winter. I need not, Sir, I am sure, more particularly call your attention to my claim to the country in question, nor accompany this with any further proof of my being the first explorer to Gladstone; and I trust that all my efforts to develope the resources of the Port Curtis District, and awaken attention thereto, will not be marred by a reserve which you will pardon my denominating as the most retarding and afflicting step which could possibly have been taken.

I remain, &c.

M. C. O'Connell, Esquire, (Signed) W. H. WALSH.
Government Resident, Port Curtis.

Sub-Encl. 3. to Encl. 2. in No. 4.

Sub-Enclosure 3. to Enclosure 2. in No. 4.

Enclosure in the Government Resident's letter to the Colonial Secretary, dated 25th August 1854.

SIR, Gayndah, May 24, 1854.

I HAVE the honour to address you relative to certain tenders which I have sent in for country upon Oxley Boyne in the district of Port Curtis.

At the time of my making this run (1851), I had, with Mr. Walsh, formed one of the first party who had arrived overland to Gladstone, and upon my return petitioned the Government to throw open the country to tender. This has since been done, but, to our astonishment, a most extensive reserve has been made of all the Boyne Waters, including my tenders.

I beg to call your attention to the fact that leases exist in the neighbourhood of Brisbane at but a short distance from that township. The leases are, I believe, annual, for blocks of one mile square, at a rent of 20*s.* per annum, giving also to the occupant a pre-emptive right to purchase.

I beg, therefore, to express my hope that the same privilege may be extended to myself as that enjoyed by such occupiers, particularly as I have so long marked this country, not in any way expecting so extensive a reserve would have been made, and had therefore purchased an extensive stock of sheep with a view of putting them upon this spot.

I have, &c.

M. C. O'Connell, Esquire, (Signed) ALFRED H. BROWN.
Government Resident, Port Curtis.

NEW SOUTH WALES.

Despatches from Governor-General Sir W. Denison.

No. 5.

No. 5.

COPY of DESPATCH from Governor-General Sir W. DENISON to the Right Hon. Lord JOHN RUSSELL.

(No. 122.) Government House, Sydney, August 10, 1855.

(Received November 28, 1855.)

(Answered, No. 4., January 10, 1856, page 36.)

MY LORD,

* Page 28.

I HAVE the honour to acknowledge the receipt of a Despatch,* marked separate, and dated 2d March 1855, enclosing an Order of Her Majesty in Council, dated 8th February 1855, establishing rules and regulations for the demise in New South Wales of mineral lands not auriferous.

2. With reference to these regulations I wish to point out to your Lordship, that although they may work satisfactorily when applied to land which may be supposed or known to contain minerals, such as copper, lead, &c., which run in veins or lodes, yet they are altogether inapplicable to land under which coal is either believed or known to exist; and as coal fields are, I imagine, included in the general term "mineral land not auriferous," I would beg to suggest that land supposed or known to contain coal should be specially excepted from the operation of the above-mentioned rules and regulations, and that additional rules should be promulgated for the guidance of the Government in dealing with such lands.

3. I have the honour to forward herewith the Minutes of the Proceedings of the Executive Council on 13th March 1855, when the subject of the mode of leasing portions of a coal field was under consideration, and to suggest that the rules proposed by the Council and sanctioned by me should form the basis of any regulations to be issued by Her Majesty in Council as applicable to coal fields in New South Wales.

4. The rules suggested by the Council and approved by me had reference to a particular coal field, but they are equally applicable to all lands under which coal is supposed or known to exist, and may be generalized as follows:

All land under which coal is supposed or known to exist will be let by auction in suitable blocks on the following terms:—

The leases to be for periods of twenty-one years, but terminable, at the option of the holder, at the intermediate periods of seven and fourteen years respectively, upon six months' notice being given.

The land to be subject to a fixed annual rental for the surface right at the rate of 5*s*. per acre per annum.

The bidding at auction to be on the amount of the rent to be paid for the coal raised, a minimum of 6*d*. per ton being established for the first seven years, and an addition of 3*d*. per ton being made to the rent at the termination of each septennial period of the lease.

The lease to be forfeited if at any period the coal raised during the space of two whole years should be less than 10,000 tons.

5. With regard to the points in which these regulations differ from those promulgated in the Order of Council of 8th February 1855, it may be sufficient for me to point out to your Lordship that the physical conformation of the coal strata differs in every particular from that of the veins or lodes containing ores of metal, and that the mode of working is essentially different from that adopted in following out metallic veins. The demand for coal is regular, and the yield of the mine can be calculated on with some degree of certainty, so that the owner or lessee is in the position of a person engaged in a regular business, while the seeking for lodes of metal, and the working of them when discovered, partakes very much of the character of speculation.

6. With regard to the actual value of any portion of a known coal field, by which value of course the Government should be guided in fixing, in accordance with the rules of the Order in Council of 8th February, the annual rent to be paid, I would observe that it is composed of two elements:

1st. The value of the surface soil for agricultural or grazing purposes, or for the erection by the lessee of the necessary buildings for his workmen:

2d. Of the value of the coal which the lessee may remove from the ground and sell for his own benefit.

The value of the surface may fairly be covered by a fixed annual rental of 5*s*. per acre; but it would be impossible to decide upon any fixed amount to be paid for the coal itself, varying as this does in different fields, and even in the same field, both in quality, and the quantity which can be raised within any given area.

7. I therefore fully concur in the view taken by the Executive Council, that the fairest plan, both as regards the Government and the lessee, will be to make the payment by the latter contingent upon the actual quantity of coal removed and sold or used by him. The amount of this can easily be ascertained by measurement, should an inspection of the books of the lessee be considered unsatisfactory.

8. I see no reason to depart from the usual practice of putting up the leases of coal districts to auction. It is a guarantee against accusations of favouritism on the part of the officers concerned in the leasing of these lands, and can be productive of no disadvantage to any bonâ fide applicant.

9. As certain portions of the Newcastle coal field have already been leased under the conditions before enumerated, I would wish to submit that the necessary authority should be given for the purpose of rendering these agreements between the Government and the lessees valid; and that in any Order in Council conveying instructions as to the leasing of coal fields no right of pre-emption should be given to the lessee, who should be dealt with as a simple tenant, and not invested with any privileges which will complicate his relations with the Government.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Lord J. Russell,
&c. &c. &c.

Enclosure in No. 5.

Encl. in No. 5.

Proceedings of the Executive Council on the 13th March 1855 with respect to the Newcastle District of the Hunter River Coal Field.

Executive Council Office, Sydney,
2d April 1855.

Minute No. 55/10.—Confirmed 28th March 1855.

His Excellency the Governor-General invites the attention of the Council to the report of Mr. Keene, the examiner of coal fields in the Newcastle District of the Hunter's River coal field, with a view to determine whether it would be more advantageous that land under which coal is believed to exist should be sold absolutely, or let at a reasonable rate per acre, coupled with a royalty upon the amount of coal raised.

This report had been circulated amongst the members on the 27th July, on the 5th October, and 9th November of last year.

2. The Council now proceed to record their opinion on the several points raised in Mr. Keene's report as follows:

3. With regard to the general principle, the Council are clearly of opinion that it is not desirable to alienate coal bearing lands in fee simple. It would of course be impossible to determine beforehand the relative value of the seam under any particular lot of land; and if this could be done it would be difficult, if not impossible, to obtain the full value to the public of land containing rich seams without greatly cramping the purchaser who might be disposed to work the coal by a heavy outlay of capital in the first instance.

By the leasing of coal bearing lands for a term of years on payment of royalty these objections will be obviated, and the public will derive advantage proportioned to the productiveness of the seams.

4. The Council accordingly advise that the coal bearing lands in the Newcastle District be let at auction in suitable blocks on the following terms; viz., (*a*) The leases to be for periods of twenty-one years, but terminable, at the option of the holder, at the intermediate periods of seven and fourteen years respectively, upon six months' notice being given in that respect. (*b*) The land to be subject to a fixed annual rental for the surface right at

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the rate of 5*s.* per acre per annum. (*c*) The bidding at auction to be on the royalty, the minimum of which will be during the first period of the lease 6*d.* per ton, and during the second period of seven years 9*d.* per ton, and during the third period 1*s.* per ton on the coal raised. (*d*) The leases to be forfeited if at any time the coal raised during the space of two whole years shall be less than ten thousand tons.

5. The Council concur with Mr. Keene in thinking that it would be desirable to extend these conditions to existing leases of coal lands in the Newcastle District, provided the holders thereof consent to the change.

6. There are some suggestions in Mr. Keene's report with respect to the size of the allotments in which coal lands should be leased, and the mode of bringing them into the market. The Council do not deem it necessary to lay down any fixed rule on these points. His recommendations on the subject of the establishment of a head office for mining records, and the reservation of the unalienated portion of Bullock Island, as being well adapted for a wet dock, have been separately attended to.

(Signed) MICHAEL FITZPATRICK,
Clerk of the Crown.

No. 6.

No. 6.

COPY of a DESPATCH from Governor-General Sir W. DENISON to the Right Hon. Lord J. RUSSELL.

Government House, Sydney,
(No. 138.) September 8, 1855.
(Received December 29, 1855.)

MY LORD, (Answered, No. 6., January 16, 1856, page 36.)

* Page 27.

I HAVE the honour to acknowledge the receipt of a Despatch, No. 26,* dated 25th December, 1854, enclosing a memorial from certain occupiers of land in the district of Eden, and directing me to report on the subject to which the memorial relates, and to return the memorial itself.

2. On reference to this document it would appear to consist of general objections to the system of leasing land for pastoral purposes under the Order of Council of 9th March 1847, as affording advantages to the squatter to which he has no well founded claim, and a special request that a particular portion of the country called the Bega District, should, for the benefit of the petitioners, be disposed of in small lots not exceeding 100 acres under a system of pre-emption.

3. With regard to the general question, it is hardly necessary for me on the present occasion to enter into any investigation of the reasons which induced the Government to grant to the lessees of Crown lands the advantages of which they are now in possession. It is evident, however, that to deprive the squatter of his acknowledged right to purchase land at the upset price, for the purpose of giving this same land to the petitioners upon the same terms, can hardly be considered either reasonable or just.

4. With regard to the specific proposition with relation to the Bega Country, it involves a general question of some importance upon which I should be unwilling hastily to give an opinion; for while I should have no objection to afford facilities to immigrants and others to settle down upon land upon conditions even more favourable than those contemplated by the petitioners, namely by postponing the payment for the land for some given term of years, during which the occupant would have a lease and pay a low rate of interest upon the outstanding purchase money, yet, on the other hand, I should not think myself justified in recommending that this principle should be acted upon generally, or should be applied to land which from its position with relation to railroads or water carriage must necessarily be of greater value to a purchaser, which value, however, could not be properly determined by the Government, but must be left to the operation of a system of competition by means of sale by auction.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Lord J. Russell,
&c. &c. &c.

No. 7.

Copy of a DESPATCH from Governor-General Sir W. Denison to the Right Hon. Lord J. Russell.

(No. 163.)

Government House, Sydney,
October 13, 1855.
(Received, January 26, 1856.)

My Lord, (Answered, No. 17., February 1, 1856, page 37.)

Shortly after my arrival in this colony, being anxious to make myself thoroughly acquainted with the working of the Survey Department, I called upon the Surveyor-General, the late Sir Thomas Mitchell, to furnish answers to certain questions which I drew up for the express purpose of bringing clearly before me the whole system of the department.

2. The replies to these queries, and the returns which accompanied them, afforded evident proof of such an amount of mismanagement as to induce me to bring the subject under the consideration of the Executive Council, and to suggest that a board should be appointed to inquire into all the circumstances connected with the administration of the department. Enclosure 1.

3. I forward herewith the minutes of the proceedings of the Executive Council, by which your Lordship will see that its members adopted my suggestion, and recommended the appointment of a board, consisting of W. B. Pell, Esq., the Mathematical Professor of the University of Sydney, Captain A. Clarke, Royal Engineers, the Surveyor-General of Victoria, and Captain Hawkins, Royal Engineers, now employed on the survey of Van Diemen's Land.

4. These gentlemen having consented to act, the necessary instructions were issued to them, and after a careful examination into all the matters connected with the administration of the department they submitted an elaborate report, together with the evidence upon which it was founded.

5. This report I now submit to your Lordship, as exhibiting a clear account of the mode in which the survey of the colony has hitherto been conducted, and as containing clear and detailed suggestions from officers thoroughly acquainted with the character of the work to be performed as to the proper system to be adopted in New South Wales. Enclosure 2.

6. Under the circumstances reported in my Despatch, No. 161, dated 12th instant, I do not feel called upon to express any opinion as to the causes which have led to such a disorganization of the Survey Department, neither is it necessary for me to impute blame to any one. I trust, under the arrangements proposed in my Despatch, No. 162, of this date, to remedy in a short time many of the evils which attach to the present system, and to be able to make in the course of the next year a satisfactory report to your Lordship of the state and efficiency of the department.

7. The enclosed minute of the proceedings of the Executive Council will explain to your Lordship the view taken by the members of the amount of remuneration which ought to be granted to the members of the board. This, under present circumstances, cannot be looked upon as more than adequate to cover the cost of living in Sydney. The whole amount of expenditure consequent upon this inquiry will not exceed 402*l.* 10*s.* 6*d.*, and the saving which will result from the adoption of the suggestions contained in the report will amount to several thousands per annum, while the Government will be placed in possession of a survey of the colony upon which dependence can be placed.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Lord J. Russell.
&c. &c. &c.

Enclosure 1. in No. 7. Encl. 1 in No. 7.

Governor-General's Minute to the Members of the Executive Council.

I regret to have to call the attention of the Council to the state of the survey and of the Survey Department, as exhibited in the enclosed replies sent in by the Surveyor-General to certain queries put by me in order to elicit the condition of a department upon the effective state of which so much is dependent.

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With regard to the replies to some of these queries, the marginal notes in red ink will explain to a certain extent my views, as contrasted with those of the Surveyor-General; but the returns to which I wish to direct the special attention of the Council are those marked A. and B., which show the amount of work performed during the last year by the surveyors in the pay of the Government, and those doing work by contract.

By an analysis of these returns it would appear that the work done by the paid surveyors was small in amount and enormously expensive, inasmuch as the cost of the mere field work of the survey amounted to 6*s.* 8*d.* per acre.

The work done by the licensed surveyors was cheaper, it is true, amounting to 1*s.* 11*d.* per acre on an average, but it was insufficient in quantity, except in a few instances.

In a letter from Sir T. Mitchell, explanatory of the larger cost of the work performed by the paid surveyors, he says that it is to be understood as arising, not only from the enormous cost of labour, but from the delays occasioned by the want of it, and from the high price of provisions and forage. These causes, however, would operate of course equally upon the contract surveyors; Sir T. Mitchell says, I might add, of (want of) due encouragement to the surveyors, and the want of active superintendence.

To this latter cause alone I am disposed to attribute the listlessness and inactivity which has prevailed among the paid surveyors. The superintendence exercised by the head of the department has been remitted altogether. When I say superintendence, I do not mean actual supervision, but such an examination of the amount of the work sent in as would enable him at once to detect any remission on the part of the surveyor, and at once to check it.

I, from the circumstance connected with my previous education and employment, am of course thoroughly competent to deal with questions connected with the Survey Department; but as it would hardly be proper for me to enter into an investigation of the circumstances connected with the mode in which the department has been conducted by Sir T. Mitchell, and then to decide upon the conduct to be pursued towards him, I should very much prefer the appointment of a board of persons competent to discuss the various technical matters which must be brought under discussion in such an investigation; and as I know of none in the colony, I should propose that the Surveyor-General of Victoria and Captain Hawkins, who has been employed upon the English survey and is now employed on the survey of Van Diemen's Land, should be asked to sit as members, together with Mr. Pell, the Mathematical Professor of the University, who, should he consent to sit upon such a board, will bring to the investigation an amount of knowledge which will render his assistance most valuable.

(Signed) W. D.

27th April 1855.

Encl. 2. in No. 7.

Enclosure 2, in No. 7.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth:—

To our trusty and well-beloved Morris Birkbeck Pell, Esquire, B.A., Mathematical Professor of the University of Sydney, Andrew Clarke, Esquire, Captain in the Royal Engineers, Surveyor-General of Victoria, and John Summerfield Hawkins, Esquire, Captain in the Royal Engineers:

Know ye, that we, reposing great trust and confidence in your zeal, industry, discretion, and integrity, do by these presents authorize and appoint you or any two of you, as herein-after mentioned, to make a diligent and full inquiry into the present state of the Survey Department in our territory of New South Wales, with special reference to the following matters, that is to say:—

1. The extent and character of the existing surveys in the said territory;
2. The value of such surveys in delineating accurately the topography of the said territory;
3. Their use in determining the true position and area of the granted and occupied land;
4. To what extent the existing system of survey in the said territory secures one or both of the above objects;
5. How far the present system is favourable to the economic distribution and permanent occupation of the public lands;
6. The mode in which the departmental duties, both in the field and the office, are administered;
7. Whether the amount of work performed bears a reasonable proportion to the expenditure;
8. And generally to inquire into the details of the system on which the Survey Department of the said territory is conducted, and whether any and what alterations and modifications may be beneficially made in the said department, so as to facilitate and ensure the speedy transfer of land from the Government to the settler, and how such alterations and modifications may be best carried into effect: And for the better discovery of the truth in the

premises, we do by these presents give and grant to you or any two of you, at any meeting or meetings to which all of you shall have been duly summoned, full power and authority to call before you all such persons as you shall judge necessary, by whom you may be better informed of the truth in the premises; and to require the production of all such charts, maps, plans, drawings, tracings, books, papers, writings, and all other documents as you may deem expedient, and to visit and inspect the same at the offices or places where the same or any of them may be deposited; and to hold any meeting or meetings (whereat any two of you shall be a quorum), for the purposes of this commission, at the office of the Surveyor-General in Sydney in our said territory, or at any other place or places you or any two of you may think fit, and to inquire of the premises by all other lawful ways and means; and also, when the same shall appear requisite, to administer an oath or affirmative to any or every person to be examined before you as aforesaid, touching or concerning the premises: And Our further will and pleasure is, that you or any two of you, after due examination of the premises, do and shall, as soon as the same can reasonably be, but not being later than the expiration of three months from the date of this our Commission, or such extended time as the Governor of our said territory, before the expiration of such period of three months, by writing under his hand, appoint, or sooner, if the same can reasonably be, certify to us in the office of our Colonial Secretary, under your or any two of your hands and seals, what you shall find touching the premises, and what, if any, alterations, modifications, improvements, and regulations respecting such matters as aforesaid or any of them you shall think fit to be made and established: And this commission shall continue in full force although the proceedings thereunder shall not be continued by adjournment from time to time; and you, or any two of you as aforesaid, may from time to time, if you shall see fit, without waiting for your full and complete report, certify your several proceedings into our said office, as the same shall be respectively perfected: And we do hereby command all Government officers and other persons whomsoever within the said colony that they be assistant to you and each of you in the execution of these presents; and we give you power, at your discretion, to procure such clerical or other assistance as may be absolutely necessary for enabling you duly to execute this commission.

In testimony whereof we have caused these our Letters to be made Patent, and the Great Seal of our said colony to be hereunto also affixed.

Witness our trusty and well-beloved Sir William Thomas Denison, Knight, Governor, General in and over all our Colonies of New South Wales, Van Diemen's Land, Victoria, South Australia, and Western Australia, and Captain-General and Governor-in-Chief of our Territory of New South Wales and its Dependencies, at Government House, Sydney, in New South Wales aforesaid, this fourth day of July, in the nineteenth year of our reign, and in the year of our Lord one thousand eight hundred and fifty-five.

(Signed) W. Denison.

By his Excellency's Command,

C. D. Riddell.

Entered on record by me in Register of Patents No. 7, pages 310 to 313 inclusive, this fourth day of July one thousand eight hundred and fifty-five.

(Signed) W. Elyard.

(For the Colonial Secretary and Registrar.)

1855.

NEW SOUTH WALES.

Surveyor-General's Department.

Report* from the Commissioners appointed to inquire into the Surveyor-General's Department.

To his Excellency Sir William Thomas Denison, Knight, Governor-General in and over all Her Majesty's Colonies of New South Wales, Van Diemen's Land, Victoria, South Australia, and Western Australia, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency,

We, the Commissioners appointed under Letters Patent bearing date the fourth day of July 1855, for the purpose of making inquiry into the present state of the Survey Department of New South Wales, submit the following Report:—

We have received and recorded the evidence of the Surveyor-General and of several other officers of the department, as well as that of W. B. Rider, esq., city engineer, and of W. M. Brownrigg, esq., surveyor; all of which, with various returns and copies of correspondence relating to the subject of our inquiry, are appended.

* The Minutes of Evidence and Appendix to this Report being very voluminous are omitted.

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The principal maps which are at present in use in the department are:—

1. The engraved map of a portion of the colony usually known as the "Three Sheet Map."
2. The engraved general map of the south-eastern portion of Australia.
3. The county maps.
4. Maps of rivers and ranges.
5. Maps of townships and reserves.
6. Maps of farms and runs.
7. An old map of Sydney, usually known as Harper's Map; and also maps of the city in separate blocks.
8. The recently engraved map of the harbour of Port Jackson, including the city of Sydney.
9. Also some parish maps, which however appear to be now obsolete; maps of lines of roads of the western gold fields, and probably others which, from their incidental character, appear hardly to require particular notice, or to come within the scope of our present inquiry.

These maps have been formed from the following surveys, viz.:—

1. The general survey carried on by the Surveyor-General by means of angular measurements.
2. Surveys of the districts traversed by the Surveyor-General during his exploring expeditions.
3. Surveys of river and ranges.
4. Surveys of lands intended for grant or occupation.
5. Similar surveys of the city of Sydney and its immediate neighbourhood.
6. Detached surveys undertaken with special objects.

We have few means of forming an opinion of the character of the general survey, excepting from such information as we have been able to obtain respecting the manner in which it was conducted. From the evidence of the Surveyor-General it appears that his mode of proceeding was as follows: From the Peak of Jellore and other favourable positions single rounds of angles were taken with a seven-inch theodolite; the objects observed being in general summits of distant hills. Some of these hills were afterwards visited, and their summits cleared, with the exception of single trees, to serve as objects for future observation, but the original observations were not repeated. These angles having been protracted, the several points were fixed by intersections. The latitudes of a few of the principal stations were determined by astronomical observations; and the bearings of some of the lines having been ascertained by the same means, the parallels of latitude were laid down. The scale of the map, so constructed, was deduced from tables showing the length of an arc of one degree of the meridian for different latitudes. The longitude of Parramatta having been determined from the observations of Mr. Dunlop, that point was connected by chain measurements with the triangulation; and, with the help of tables showing the lengths of degrees of longitude for different latitudes, the meridian lines were laid down. Two base lines, each of 832 yards in length, were measured by means of wooden rods on the shores of Botany Bay, and another of one mile, with tent poles, at Lake George. No sufficient care seems to have been taken in the measurement of these lines; nor are we able to understand in what way they were made use of in the general survey, or indeed with what intention they were measured. The sides of some of the triangles were calculated, but we cannot learn that in the construction of the maps any use was made of the results so obtained. No complete diagram or set of diagrams exists of the original triangulation; nor any record or evidence showing in what degree the several angular measurements, terrestrial and astronomical, were found to be consistent with one another.

It is in our opinion impossible that any great degree of accuracy, in fixing the position of the angular stations, can have been secured by the methods above described, for—

1. Little reliance can be placed upon the results of a single set of observations; and, independently of instrumental errors, no reductions and corrections of the observations in connection with an accurately measured base were made.
2. The objects observed were in general not sufficiently defined.
3. In some cases the lines, by the intersection of which the position of a distant station was fixed, were so nearly parallel as to render the determination very doubtful.
4. Very inadequate means can alone have been available for the determination of latitudes; and the longitudes are solely dependent on that of Parramatta, extended by means of the protraction of the angular measurements.

A number of points having been laid down as above described, the rivers and ranges were traced and surveyed almost entirely by chain and compass, being connected by the same means with the angular stations, as opportunities occurred. These "feature surveys," reduced to the scale of about eight and a half miles to an inch, were then applied to the angular points, either by means of their connexions above alluded to, or by being fitted in where such connexions were not made; and the result of the above operations forms what is known as the "Three Sheet Map," which was last republished in the year 1834. The surveyors by whom the "feature surveys" were executed plotted their own work; their field books were not examined; and, as it is evident that the angular stations themselves cannot have been fixed with sufficient accuracy to form a sure

test of the correctness of the details, it must be doubtful whether any discrepancy should be attributed to inaccuracy in the positions assigned to the stations, or to error in the detail surveys. There seems no reason to doubt that the surveyors in general performed their work as correctly as the means at their disposal would allow, but there is little to rely upon, excepting their honesty and individual skill.

It will be obvious that a map, still uncompleted, constructed on such data, and in such a manner as we have now described, though of considerable value in delineating generally the features of the country, as a map of reference, and as a guide to future and more accurate survey, cannot have any claim to the character of a "trigonometrical survey," in the correct and ordinarily received acceptation of the term. Whilst thus recording our opinion as to the value of this map, we do not wish in any way to detract from its intrinsic merits, or to under-rate the energy and determination with which dangers were encountered, difficulties surmounted, and hardships endured, in the course of the surveys which led to its construction. Nor do we wish it to be understood that we thus seek to imply censure, or that we are called upon, at this distance of time, to determine whether the methods then adopted were the best which the circumstances of the colony, the means at the disposal of the Survey Department, and the instructions by which it was guided, admitted; but we must express our surprise, considering that about £350,000 have, independently of unpaid labour, been expended on the surveys of the colony, since the date of the issue of the map, that no steps have been taken by the Government during that time to initiate and steadily carry out a survey based on more accurate methods of observation and construction, and furnishing such details of the topography of the country as would have definitely determined, not alone the position of the alienated lands, but would have facilitated the extension of permanent occupation, by anticipating the demands of an increasing population, and would have afforded data for ascertaining the best and most economic lines of internal communication, in addition to numerous other advantages. We regret to add, that there do not appear to be any records vindicating the department from the charge of having never recognized the advantages of a more perfect general survey than the one already in existence.

We now proceed to consider and report upon the general map of the south-eastern portion of Australia, which was published in 1838, and now bears date, extending the additions which have since been made to it, to the year 1850. The surveys of those districts traversed by the Surveyor-General during his exploring expeditions were performed by chain traverse and difference of latitude; that is, each day's journey was chained, and the latitude of each camp determined by astronomical observation. Angular measurements were also taken with the theodolite, whenever sufficiently conspicuous natural objects presented themselves, thus connecting the work with the previous triangulation of the nineteen counties represented in the "Three Sheet Map," and extending that operation. This mode of surveying, although evidently extremely rude, is more accurate than what is generally adopted under similar circumstances; and the results seem to have been, upon the whole, as satisfactory as could have been effected. The general map is compiled from a reduction of the "Three Sheet Map," from nautical charts, the above-mentioned surveys made during the journeys of the Surveyor-General, and from other detached surveys. Portions must, however, have been inserted without survey, for some very considerable errors have been pointed out to us as having been detected by recent measurements.

The scale of this map is about thirty-five miles to an inch. The defective nature of its construction, and the minuteness of its scale, render it of little service, though it possesses interest as the only one in existence illustrating the geography of the south-eastern Australian colonies. It is used in the department as an index to the boundaries of the electoral and other political and social divisions of the country.

The county maps are almost entirely the result of chain and compass measurements, having been compiled in the office, on the scale of two miles to an inch, from the surveys of rivers and ranges, and of lands intended for grant or occupation. The position of the lands are thus laid down with that limited degree of accuracy which can be attained by such means. These maps, however, are of considerable practical importance, as index maps and official records.

We do not find that the general survey by angular measurement, or the maps in which it resulted, have been used in fixing the position and area of the granted and occupied lands. The surveys made with the view to alienation or occupation are still inserted on the county maps, without reference to the general survey; nor indeed are the angular stations sufficiently well determined to be of any assistance to the surveyor, to serve as an efficient means of checking his work, or to form the groundwork for the compilation of county maps, on the general accuracy of which any positive dependence could be placed.

The surveys of rivers and ranges to which we have already referred were undertaken principally with a view to the division of the colony into counties and parishes, and for other similar purposes, and also, for supplying detail for the general and county maps. They have, moreover, been of much service in testing the accuracy of particular surveys of lands intended for grant or occupation.

The maps of farms and runs, and of allotments in townships and reserves, are formed from chain and compass surveys, showing the forms and areas and the approximate positions of the granted and occupied lands.

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When these lands are described with reference to near and well-defined natural features, no dispute can well arise as to their true position.

Where natural boundaries are wanting, the boundary lines are run with the chain and compass, and defined by means of trees carefully marked. In the grants these lines are in many cases described with reference to the magnetic meridian. So long as the marks remain, or the boundary lines are otherwise artificially maintained, no dispute would or perhaps could arise, even although the original surveys and the descriptions in the grants were both erroneous, but where the marks are destroyed by lapse of time or otherwise, and the boundary lines cannot be recovered from actual local knowledge of their original position, very serious difficulty might be experienced.

We find that the Survey Department takes no cognizance of private doubts or disputes respecting boundaries. The land having been marked out and sold, the department considers itself altogether relieved from all care or responsibility in the matter. We have not been able to learn from the officers of the department whether many such doubts or disputes have actually arisen, but from other evidence it appears that they are of frequent occurrence, especially with reference to old boundary lines, where the original marks, if any such ever existed, are lost or destroyed. That similar difficulties have not so often arisen with respect to lands more recently measured is owing perhaps in some degree to the fact that of late years the surveys have been conducted with more care; but probably still more to the circumstance of the boundary marks still subsisting. Should these be in any way lost, it might prove difficult, if not impossible, to recover the original lines, in those cases especially where they are described in the grants by the magnetic bearing, for it is well known that the needle gives different results at different times, and is liable to be affected by local attraction; that two such instruments seldom agree, and sometimes differ materially; and that the variation, which is not stated in the grant or elsewhere recorded, is subject to a considerable progressive and uncertain secular change. We fear that uncertainty respecting boundaries will be the source of much discord, difficulty, and litigation as the value of land increases, and the position of boundary lines becomes consequently more important.

Harper's Map of the City of Sydney was formed upwards of thirty years ago, apparently from an ordinary chain survey, and has therefore of course no claim to particular accuracy. It is however still used as a map of reference upon questions respecting old grants. There are also maps of the city in separate blocks, formed from more recent similar surveys, but it does not appear that they have ever been combined into one general map. These are the official records representing the alienated lands within their limits.

The engraved map of the harbour of Port Jackson, with the city of Sydney, was compiled by the Surveyor-General, by the same methods which he adopted in the general survey, of which it may be considered a portion. It was published in the year 1853, on a scale of about 9¼ chains to an inch. The details appear to have been furnished from the various maps in the office, applied to the triangulation by young draftsmen, who were instructed to fit them in as well as they could. Our opinion of this mode of putting together a map we have already expressed, so that we need say nothing more on the matter, excepting that for engineering purposes in the city of Sydney its scale alone renders such a map entirely useless.

Having been informed that a trigonometrical survey of the city of Sydney has been carried out by the city commissioners, we summoned their engineer, W. B. Rider, esq. From the evidence of this gentleman it appears that the methods by which this survey was conducted were such as in our opinion are calculated to secure a high degree of accuracy. The results also seem to have been most satisfactory; the evidence of Mr. Rider upon these points being confirmed by that of his assistant, W. H. Baron, esq., given before the committee upon sewerage and water supply. A portion of Mr. Baron's evidence is appended. We learn also from Mr. Rider that there are considerable discrepancies between the results of his survey and the map published by the Surveyor-General.

Before passing on to other portions of the subject of our inquiry, we must call attention to the almost total absence of any recognized and authentic public records of the combination of the data and materials from which the published maps of the province have been compiled, as well as to the fact that these maps, which the Surveyor-General considers of the highest importance, as official records of the work performed by the department, and also of the greatest intrinsic value in delineating accurately the topography of the country, are those which he himself has compiled and published, not as a public servant, but as a private individual; his interest in them having recently been disposed of to the Government, with the exception of the map of Port Jackson, which may still be regarded as private property. We have not thought it worth while to inquire more particularly into the circumstances under which the publication of these maps took place, for it is evident that if it was considered necessary or expedient it should have been carried out by the Government, and that under no circumstances should they have failed to recognise the well-established and well-understood rule, that the results of the labour of a public officer in the discharge of his duties are the property of the public alone.

The next points to which we direct our attention are, the existing system of survey, the degree of accuracy to be expected from it, its applicability to the economic distribution and permanent occupation of the public lands, and its proportionate cost.

The duties of the department in the field are conducted by means of two classes of surveyors, employed under different systems:—

1. Salaried surveyors;
2. Licensed or contract surveyors.

The staff of salaried surveyors, which is limited, consists of three classes, viz, surveyors, assistant surveyors, and supernumerary assistant surveyors. They are all paid by salary, with allowances of rations and forage, the particulars of which will be found in the returns annexed to this report. The salaried surveyors in the three different classes perform similar duties; and it would appear that for the most part they are stationed either in the more remote and unsettled districts, or where the nature of the country is such as to render the surveys more than usually laborious. Each is provided by the Government with a party consisting of six men, and with a field equipment or corresponding allowance. They are principally employed in surveying lands for sale, under the instructions of the Surveyor General, but in some cases they are allowed to act in a great degree according to their own discretion. They are sometimes also engaged in surveying rivers and ranges, in measuring runs, and in laying out roads and reserves. The instruments made use of are almost exclusively the chain and compass. They are expected to send in monthly reports of work performed, showing how each day has been employed. When a survey is completed, the plan and the description, but not the field notes, are sent in to the Surveyor-General's office. They are there subject to the following tests, which, imperfect as they are, would, if carefully and universally applied, be as efficient as the system which is pursued will allow:—

1. The plan and the description are compared, the area calculated, and the lines are sometimes scaled;
2. A comparison is made with such adjoining "feature" or other surveys as may have been previously made in the same locality;
3. The connecting lines with former surveys are sometimes replotted;
4. The plan is reduced, and charted on the county map;

There are no adequate means in general of testing the accuracy of the survey within itself. The field books of the salaried surveyors, and any documents which they may possess relating to work performed, are considered as public property; and the rule is, that they should be sent in to the Surveyor-General's office when a surveyor is removed to a new district, obtains leave of absence, or retires from the department; but instances occur in which this necessary and important practice is neglected. The field books so forwarded for record are only used for such occasional reference as may be found necessary. This practice of accepting the plan of the surveyor, without examining his field notes, or replotting from them, we cannot too strongly condemn; nor can we refrain from expressing our surprise and regret that a system so faulty, and so liable to lead to error and confusion, should have been so long adhered to.

The licensed surveyors are employed in the measurement of lands for sale. They receive no salary or allowances, nor are they provided with any party or equipment, being paid for the work actually performed by them, according to a scale which will be found in our Appendix. To each a district is assigned, within which he is supposed to have the exclusive privilege of measuring public lands. He is not precluded from accepting employment from private individuals, by whom it would appear he is generally paid at a higher rate than by the Government. He surveys such lands as the head of the department may direct, at such times, and according to such methods, as may seem to him most convenient and desirable. When a survey is completed, the plan and description are sent to the general office, where they are treated in the same manner as in the case we have already described. It does not appear that the licensed surveyor is required even to preserve his field notes, nor to send in any journal or report, excepting a monthly return of the number of acres by which he is in arrear of instructions. Should this arrear become so large as to prove that he cannot or will not perform the work required of him, a portion of his district may be assigned to another surveyor licensed for that purpose.

This system of licensed surveyors we wholly condemn, for the following reasons:—

1. The licensed surveyor is not sufficiently under the control of the Surveyor-General;
2. He is liable to be drawn away from his legitimate employment of surveying public lands, however pressing may be the demand for his services, by casual offers of more lucrative employment;
3. It would be difficult, if not impossible, even if it were attempted, to regulate the methods by which surveys should be conducted so as to establish an efficient and uniform system;
4. As the payment depends entirely on the amount of work performed, there is every inducement to adopt the cheapest, the easiest, the most expeditious, and consequently, in general, the most imperfect methods by which a sufficient degree of accuracy can be attained to keep the errors within such limits as to escape detection;
5. The salaried surveyors can never be kept under proper control, so long as there is open to them, in case they resign their appointments, the almost certain prospect of employment as licensed surveyors.

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With reference to the salaried surveyors, we much regret that we are under the necessity of expressing our opinion that the duties of the department have not been efficiently administered. By means of the monthly reports and journals the number of acres actually measured, with other particulars, is made known at head quarters; and although these particulars are by no means an accurate criterion of the amount of work actually performed, they still afford the means of detecting very gross cases of idleness. Such cases, however, have been entirely passed over; or at all events no such decisive steps have been taken regarding them as the magnitude of the evil demanded. The heads of the department fear lest the surveyors, if treated with stringency, or, in other words, if imperatively required to perform fully the duties for which they are paid, would resign their appointments. Whether there are any just grounds for such apprehension or not, it is quite clear that whilst such a feeling exists the administrative duties of the department cannot be effectively performed.

The faults of the existing system, to which, in conjunction with negligent administration, most of the difficulties which have been experienced may be attributed, we consider to be the following :—

1. The surveyor is subject to no direct supervision, being merely required to report to the head of the department; being in most cases stationed in a remote district, it is easy for him, if so disposed, to invent plausible excuses for neglecting the duties confided to him;
2. Much time is unnecessarily lost in travelling, principally on account of the practice of entertaining every application for the purchase of public lands, wherever such lands may be situated, or however difficult, inconvenient, or expensive it may prove to survey them;
3. Much time, which might be more profitably employed in the field, is spent by the surveyor in preparing the plans and descriptions which he is required to send into the general office.

We here beg to be understood, in referring to the salaried surveyors, to allude more especially to the system under which they are now working, as the individual zeal and ability of several of their body have come prominently under our notice; although it cannot be denied that, at present, the amount of work performed by them is utterly inadequate to the expense incurred. We must, however, draw attention to the remoteness or difficulty of the districts in which the salaried surveyors are principally employed, as compared with those assigned to the generality of the licensed surveyors.

The observations we have already made respecting the methods of construction applied to the general maps, and the inapplicability of the triangulation to the accurate construction of the county maps, or of any others embracing comparatively small portions of the colony, leave it obvious that the present system of survey gives no security whatever for the general accuracy of its individual results. From the evidence we have received, it would appear that much confidence is placed in the separate surveys of land for grant or occupation, &c., though we have already expressed our opinion on the imperfection of the tests applied to them; but the accuracy of the combination of such surveys into general or county maps can only be ensured by a series of trigonometrical observations carried out on those approved principles upon which alone any real dependence can be placed, and which would also afford a final test of the value of the individual surveys themselves.

With regard to the applicability of the present system to the economic distribution of the public lands, we do not consider that our commission extends to any inquiry into the expediency or otherwise of the land regulations, but that it directs our attention solely to the practical working of the Survey Department. The present system, under which lands are surveyed for sale in New South Wales, does not, we believe, differ materially from that of other British colonies, except in matters of practical detail; and we conceive that it requires no more extensive reform than that embraced in the modifications which we shall finally suggest.

One great and material evil has been, that through defective administration and want of due supervision—which points have already been fully considered—the progress of the salaried field force of the department has been quite insufficient; and the area of land prepared for sale by the licensed surveyors has not been proportionate to their number, the result being, that the quantity of land placed at the disposal of the public has not been adequate to its requirements, thus giving rise to much dissatisfaction, the existence of which was admitted in the evidence before us.

By a return furnished to us, it appears that a very considerable area has been actually surveyed, which has not yet been alienated, amounting to nearly one million acres; but a careful examination of its details will not bear out the conclusion to which a superficial glance would seem to lead.

The suburban allotments include all lands of that description which have at any time been offered for sale, and not being open to selection are still available for sale by auction; but it may be inferred that much of this land is unsuitable to the existing demand. The same remark applies to the country lands open to selection, which include all such remaining unsold which have been put up to auction since the year 1843. Of 755,000 acres in the return, 383,000 are not available for sale, in consequence of their having been surveyed in blocks exceeding one square mile each. The remaining 372,000 acres, at the

McLeay and Clarence rivers, are in large blocks, for which no great demand seems to exist at present; and the same is probably the case with respect to much of the country lands open to selection, and also to some of those recently measured and in process of sale.. The land regulations would moreover interpose some obstructions with respect to the ready sale of 318,000 acres on the McLeay and Clarence rivers, which are within the intermediate districts.

The feeling which no doubt does exist that the quantity of land surveyed and offered for sale is not sufficient to meet the demands, and to anticipate the wants of an increasing population, can only be reconciled with the above return by the supposition that a large proportion of the land therein referred to is not, either in position, quality, or area, adapted to the wants of the community; but we cannot but think that, upon due and sufficient inquiry by intending purchasers, more land would be found of an eligible character and immediately available than is generally supposed to exist.

The total expense of the field parties under the direction of the salaried surveyors for the year 1854 was 12,100*l.* 6*s.* 1*d.*, and the number of acres surveyed by them 35,970½; the average cost per acre being thus about 6*s.* 8½*d.* By the licensed surveyors 103,563 acres were surveyed during the same year, at a cost of 9,961*l.* 0*s.* 11*d.*, or 1*s.* 11*d.* per acre. The total cost of the whole department for that year was 34,356*l.* 0*s.* 1*d.*, thus giving an average of about 4*s.* 11*d.* per acre for the total of surveys performed. We are of course fully aware that such an average as this last by no means represents the true value of the work of the department, as other very numerous and important duties come under its operations, including, moreover, those relating to that portion of the territorial revenue which is not derived from the annual surveys and sales of land; but, in the impossibility of representing the performance of its varied duties by a money value, the above average, taken from the most important and prominent operations of the department, furnishes some criterion by which to estimate the results obtained. The expense so incurred is so extragavant, in proportion to the work performed, as to leave no room to doubt the existence of very great mismanagement.

Whilst we are upon this part of our subject we may be permitted to make a few remarks upon the working of the local land offices, which, although perhaps hardly coming within the province of our inquiry, are still in some measure forced upon our attention by their close connexion with the subjects submitted to our consideration. By a return in our Appendix it will be seen that within the settled districts the cost of these establishments, which are about thirty in number, was 7,216*l.* 8*s.* 5*d.*, being paid in the form of a high rate of commission on the sale of Crown lands, besides auctioneers' fees. This gives an average 2*s.* 4*d.* per acre on 60,600 acres sold by auction or selection in the year 1854. We deem it our duty to draw attention to this expenditure, which seems to us most extravagant, and to suggest that some more economical system should be devised.

We have closely examined the mode in which the departmental duties in the office are administered, having endeavoured to make ourselves acquainted with the details by actual observation as well as by the examination of witnesses.

It appears to us that the clerical duties are of a very cumbrous and voluminous nature, involving an amount of correspondence and registry which cannot but lead to considerable unnecessary expense. It is not within our power particularly to describe the system, which does not seem by any means to be confined to this department, but to form part of a general whole, nor to offer detailed suggestions for its reform, as such points can only be effectually dealt with by persons in intimate connexion with its working, and responsible for the information and other results required from it; but we do not hesitate to express our opinion that it could and ought to be very materially simplified. We must here bear testimony to the admirable order in which the documentary records of the department appear to be kept, the perfection of the various registries, by which prompt reference to and immediate information on any required points are ensured, and to the existence of method and arrangement in the conduct of this branch of the department. In the drafting branch, also, the duties seem to be efficiently performed; and the registry and arrangement of the numerous maps satisfactorily secures the means of ready reference.

We find that the establishment at head quarters consists of—

The Surveyor-General,
Deputy Surveyor-General,
Chief Clerk,
3 Assistant Surveyors,
4 First-class Draftsmen,
3 Second-class Draftsmen,
10 Extra Draftsmen,
3 Second-class Clerks,
3 Third-class Clerks, and
10 Extra Clerks.

The duties of these officers are described in the returns, and are more minutely detailed in the evidence.

From what we have heard and seen of the officers of the department, both in the drafting and clerical branches, we have formed a favourable opinion of their individual

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industry and intelligence; but there is ample evidence to show that a large portion of their time is frittered away in copying and recording verbose and useless official formularies.

The amount of clerical labour is far greater than the actual necessities of the case demand. The essential duties to be performed at the general office are, to direct and control the surveyors in the field, and to examine, combine, and record the results of their measurements; all clerical labour being comparatively unproductive, excepting so far as it is absolutely necessary for the proper performance of these duties.

It appears, however, that this kind of labour not only absorbs the attention of the clerks, but of a large proportion of the draftsmen, whose professional skill is thus in a great measure thrown away.

Our duty leads us here to remark upon the employment at head quarters of no less than three of the assistant surveyors, forming a considerable proportion of that limited force. Two of these gentlemen are engaged in the measurement of lands, in inspecting, reporting, and on other incidental duties which cannot be very easily specified in tabular statements, and one of them is employed as a land commissioner or bailiff in charge of Crown lands in the neighbourhood of Sydney. The reports, however, show extraordinarily small results from the labours of these gentlemen, and we are of opinion that one such officer would be amply sufficient for the performance of the above duties, for the evidence has failed to show the existence of any very considerable amount of work; besides which there are several licensed surveyors employed in the neighbourhood of Sydney, on both shores, whose services could no doubt be made available for ordinary purposes.

The employment of an assistant surveyor in the office for the past ten months appears to have been unattended with any beneficial results to the public, beyond the preparation of an elaborate and no doubt a useful index to the abridged land regulations. From the evidence and the reports laid before us we have failed to ascertain why this officer, whose services would have been of value in the field, should have been detained at head quarters, in the execution of duties which could as well have been performed by those gentlemen in the office to whom they especially belong, and the surveys now carrying on do not require for their examination or correction more than the skill of an ordinary draftsman.

Having thus minutely described the result of our inquiry into the details of the system on which the Survey Department is conducted, and pointed out what we consider to be its defects, we beg to suggest that the following alterations and modifications might be beneficially made, and to express our opinion that if efficiently and consistently carried out they would enable the department to satisfy the Government, and to meet the demands and requirements of the public.

1. The system under which every application for the purchase of particular lands is entertained should be at once abandoned. It is evident that in so extensive a territory as New South Wales it must be impossible to maintain a sufficient staff of surveyors to meet the demands of the public under this system, which seems to be founded on no law, but to have grown up by degrees, until every one imagines that he has a right to require that any lands which he may point out should be surveyed for sale, at whatever cost and inconvenience to the department, and consequent detriment to the interests of the public.

This system, in addition to its disadvantages with reference to the Survey Department, may occasion many social and political evils. It tends to promote an unnecessary dispersion of population, which should be rather checked than encouraged, for it leads, without any corresponding advantage, to increased difficulty and expense in maintaining the authority of the Government, and the settlers in isolated situations are removed from the restraining influences of society, and their children are exposed to the danger of growing up in ignorance, and almost in barbarism.

It should be considered the duty of the department to keep the supply of land surveyed and ready for sale as much as possible in excess of the demand, and in order to leave no excuse for desultory applications care should be taken to survey lands in eligible situations, and of a quality suitable, as far as possible, to the purposes for which they are likely to be required. The surveys being conducted methodically, the surveyor would be nearly always occupied in the actual measurement of lands, instead of moving about from place to place with his party and equipment, endeavouring in vain to satisfy the requirements of a pernicous and impracticable system.

We do not, however, recommend that no applications for the purchase of particular lands should be entertained, but it should be distinctly understood that the Surveyor-General is competent to reject such applications altogether, or to postpone the survey or the lands applied for until such time as it might be performed without detriment to the public service.

2. The almost universal practice of marking out boundaries rectangularly, and according to the cardinal points, excepting upon water frontages, should not be continued. The allotments intended for sale should be laid out with reference to lines of communication and natural features of the country, the present method being adhered to only where no reason for departing from it is apparent.

3. The system of licensed surveyors should be abolished. We have already stated what we consider to be its faults, and although some of these might perhaps be in some measure remedied, we do not think that the system is capable of being so modified as to render its continuance desirable.

If the only object to be arrived at were to mark out and offer for sale the largest possible quantity of land at the least possible expense, without any regard to general accuracy, or to uniformity in the measurement, or any solicitude respecting the future difficulties and disputes which might in consequence arise, in such case it might possibly be expedient to continue the contract system; but to us that system only seems entitled to be considered as truly economic which is conducted at the least possible expense, with which such a degree of accuracy can be secured as will effectually prevent the occurrence of those doubts, difficulties, and disputes to which we have before alluded, and which will also permit the application of its results to other important and more general purposes.

If the measurement of lands for sale were carried on entirely by means of salaried surveyors, under a regular system, and under proper supervision and control, we see no reason for supposing that the proportionate expense incurred would be greater, if so great, as under the contract system.

We think that the interests of the public require that this system should be abolished with as little delay as the immediate demands upon the department and the time required for the reorganization of a complete staff of salaried surveyors will allow.

4. The actual operations of the department in the field might, we think, be more efficiently conducted, and would be placed on a sounder basis, by the adoption of the following scheme :—

There should be three classes of surveyors, viz. :—

District surveyors.
Surveyors.
Assistant surveyors.

We do not take upon ourselves to make any recommendation respecting the amount of salary to be attached to the different classes, as that must depend in a great measure on the comparative remuneration of other public officers, and also on the Government arrangements with respect to any additional temporary allowances; but we beg to suggest that this branch of the service is entitled to peculiar consideration on account of the professional acquirements which are necessary for the performance of their duties. The promotion from class to class should depend more upon individual industry and skill than on mere length of service and we think that within the several classes the practice of granting small additions to the salaries of those recommended on account of their displaying more than ordinary energy and ability would have beneficial effect.

The country should be divided into districts, in each of which a district surveyor should be stationed, with a sufficient number of surveyors and assistant surveyors under his immediate supervision and control.

The district surveyor should have an office in some township conveniently situated in the district. His duties would consist of the general superintendence of all surveys in his district, the performance of any operations connected with general or topographical surveys, the selection of lands to be surveyed for sale, the laying out of roads and reserves, and the selection of sites for townships, churches, schools, or other public purposes.

All instructions to surveyors, reports from them, or other correspondence connected with his district, should pass through his hands.

He should have the assistance of a draftsman, whose duties would be to plot the surveys made in the district, to perform all necessary clerical duties, and, as far as possible, to represent the district surveyor in his absence.

The district surveyor should have a field equipment, and a party, with an assistant surveyor attached to it, who could proceed with the field work during the absence of the district surveyor on other duties; and by the addition of a chainman or two to the usual number both surveyors might be beneficially employed at other times, for it should be a fixed rule that the district surveyor should employ himself on actual field work when not otherwise engaged.

Every possible facility should be given to the public, at the office of the district surveyor, in obtaining full information respecting lands for sale within the district. The duties now performed at the local land offices might, wherever practicable, be performed by the district surveyor, who should in that case be paid a small commission upon lands sold at auction.

The surveyors and assistant surveyors would perform similar duties, the only distinction being that the surveyors would receive a higher rate of salary as a reward for long service or superior merit. The detailed surveys for the sale or occupation of public lands, or for any other purposes, would be performed by them under the direction and superintendence of the district surveyor.

Each surveyor should be provided by the Government with a party of about six men, and receive a money allowance in lieu of rations for himself and his party, and of forage; and he should make the requisite arrangements for the sustenance of himself and his party in the field. It appears desirable that chainmen, though paid by the Government, should be hired by the surveyor, and dealt with as his servants; so that no claim for wages already paid to the surveyor could be brought against the public.

The surveyor should be provided by the Government with a field equipment, or receive an adequate allowance for the maintenance of one. We find both of these systems in use at present in the department, and abstain from offering an opinion as to whether either of them should be exclusively adopted, for the choice must depend in a very great measure

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on circumstances that can be better decided upon by the Government, or by the head of the department, than by this board.

The surveyors should plot their work daily; but no more drafting should be required of them than what may be absolutely necessary for the guidance of their own operations. Their field notes and plans should be sent to the district surveyor's office, where the work should be replotted. Having been rendered as complete as possible, all the documents should then be forwarded to the general office, to be there finally examined and recorded.

The surveyors should be encouraged to take pupils, who, if competent to act as chainmen, might be paid according to the value of their services, as certified by the district surveyor.

The theodolite should be used instead of the circumferenter. In recommending this change we do not mean that the use of the latter instrument should be at once and wholly abolished, which would perhaps be scarcely possible, even if expedient; but we think that it might be gradually replaced, and finally altogether superseded by the use of the theodolite.

To carry out the above scheme effectually, and to secure its full benefit to the public service, it seems to us essential that a greater amount of control than appears hitherto to have been considered necessary should be exercised over the surveyors, and that their operations in the field should be frequently subjected to the personal supervision of the Surveyor-General or of his deputy.

5. The laying out and levelling proposed roads, both for main and ordinary lines of communication, are most important duties appertaining to the Survey Department, which we must not overlook in our report. We have no special suggestions to make respecting them, excepting to observe that they require much more attention than seems hitherto to have been bestowed upon them.

The course of every reserved road should be actually marked, which appears not in every case to have been done. The adoption of this necessary practice would greatly facilitate the subdivision of lands for sale in the manner contemplated in our recommendation for the abandonment of the rectangular system of marking out allotments.

The course of all proposed main or important roads should not only be marked out and surveyed, but also levelled, and longitudinal sections, showing all the gradients, should be prepared. The levels thus obtained would eventually prove of great value, by furnishing precise topographical information for insertion upon the general maps.

It is our opinion, however, that no part of the actual construction of roads should devolve upon the Survey Department.

The machinery of the department might in the same way be applied to the necessary surveys and levelling operations which may in future be required for the consideration of schemes for railway communication throughout the province.

6. Having alluded very frequently to more perfect methods of surveying than have ever yet been adopted in this colony, it becomes our duty to consider whether it is expedient to undertake a trigonometrical survey of New South Wales, in the true meaning of the term.

To carry out a complete system of triangulation, founded upon correctly measured bases, and to fill in the details with that scrupulous regard to accuracy which has been observed in more settled countries, would be an undertaking, whatever its ultimate advantages, entirely beyond the requirements and resources of the colony. At the same time we are of opinion that steps should be taken to initiate a general system of survey, in connection with the detailed measurements which are of necessity carried on for immediate and particular purposes, which would, we are convinced, be attended by no very great expense, at the same time that it would lead to very important prospective advantages.

The steps which we recommended to be taken are the following:

Points to serve in future as trigonometrical stations should be selected, and permanently as well as conspicuously marked. This duty might in a great measure be performed by the district surveyors and their assistants; and all surveys within each district should be conducted with reference to the points thus marked, with a view to their final combination, when the actual positions of the stations are determined.

A base line should be measured, every practicable precaution being taken to ensure correctness, without of course pretending to imitate those most accurate and most expensive measurements, which in other countries, and under more favourable circumstances, have been carried out with such wonderful results.

From this base line a system of triangulation might be gradually extended, at an annual expense quite inconsiderable compared with the total cost of the Survey Department.

The observations should be reduced, and the necessary corrections should be applied, according to the most approved methods, and with every possible care, other base lines being also measured to test the accuracy of the triangulation as it extends.

The extent to which it may prove practicable or expedient to make use of astronomical observations, in connexion with the terrestial measurements, will develope itself as the operations are extended, and will form a subject for future consideration.

The details could be filled in approximately from the surveys already made, and more accurately from those which would be subsequently carried out, in connexion with the triangulation, in the performance of the usual duties of the department.

The expediency of commencing such trigonometrical operations, and the comparative vigour with which they should be prosecuted, are matters for the consideration and decision of the Government; but they present the only means on which any dependence can be placed for the construction of accurate general maps for the use and benefit of the public; and they would furnish reliable groundwork for the construction of nautical charts of the harbours, bays, and coasts of the province, and for surveys for railways, irrigation schemes, or for other similar engineering works, with the system of levelling necessary for such purposes. The mere triangulation would also be of the greatest use in assisting the operations of every surveyor in effectually testing his work, and; finally, in accurately fixing the position upon the general map of each particular survey.

The importance of a trigonometrical survey of New South Wales is greatly enhanced by the prospect of its being eventually connected with similar operations in the provinces of Victoria, Tasmania, and South Australia.

7. It would be impossible for us to offer anything more than general suggestions for the improvement of the system under which the duties of the department in the office are conducted. The changes which seem principally to be required are in matters of detail, which, as we have before stated, can be best understood and dealt with by those persons to whom the conduct of the several duties of the department is confided.

It is obvious, however, that a large portion of the correspondence is carried on in too complex and formal a manner, and that its simplification would lead to great saving of labour, without any loss of efficiency.

The ordinary correspondence—even such as relates to matters of detail or routine, and which might be dealt with at once, and without further delay, by the first officer to whom it is submitted—seems, in all cases, to pass through several hands. The laborious and complex character of this system is not its only fault, for it tends so much to divide responsibility that in some cases it would be difficult to determine upon what officer the responsibility should really rest.

The system pursued with respect to descriptions of land for sale, and deeds, also entails upon the department considerable unnecessary labour. It is not for us to determine whether it is expedient that such documents should continue to pursue their tortuous and intricate path through the several branches of the survey office, the Colonial Secretary's office, the Government printing office, the survey office again, the Supreme Court, and the Treasury, until, finally, sometimes after a delay of twelve months, the deed reaches the hands of the purchaser; but we feel confident in stating that some of the forms observed are wholly unnecessary, and might advantageously be dispensed with.

The clerical labour at the general office would, we feel sure, be very materially reduced by alterations and modifications founded upon these general suggestions, and being at the same time diminished by the adoption of the scheme proposed for the conduct of operations in the field, we have no doubt that the clerical staff might be considerably reduced, without impairing its efficiency.

The drafting branch should be placed under the immediate direction of a chief draftsman. No person paid as a draftsman should be employed upon clerical labour, for all the duties at present performed, as shown in the evidence, under the superintendence of Mr. Adam, should be executed by clerks acting under that of the chief draftsman. This branch also would be relieved considerably by the work which would be performed at the district surveyors' offices.

8. The temporary establishment of the department consists of seven supernumerary assistant surveyors, ten extra draftsmen, and ten extra clerks. Under whatever name these persons may be employed, it is clear that they in reality form part of the permanent establishment, except that their tenure of office is so uncertain that it could scarcely be matter for surprise if they were found to take no interest in the department, and to display no zeal in the performance of their duties.

We feel no hesitation in recommending that this temporary establishment be at once abolished, and that whatever number of officers may be required for the performance of the ordinary and regular duties, in the field and in the office, should be placed upon the permanent establishment.

We do not of course intend that the employment of extra assistance should be interdicted in cases of really temporary pressure.

Having thus, as briefly as the subject would permit, described the general working of the Survey Department, and offered some suggestions for its reform, we may be allowed to make a few remarks in relation to the evidence given before us.

The Surveyor-General disclaims all responsibility for the acknowledged disorganization of his department, maintaining that the system in operation is not of his own formation, or such as meets his approval; that he has been improperly interfered with in the performance of his duties; and that he has not received the support of the Government in endeavouring to maintain discipline and efficiency.

We have repeatedly requested him to lay before us some correspondence or other documentary evidence which might illustrate and confirm these statements; but nothing has been brought under our notice from which it could be inferred that he has been in any case unnecessarily interfered with; that the support of the Government has been improperly withheld from him; or, although the department has been under his guidance for nearly thirty years, that any attempt has been made by him, until very recently,

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to rectify acknowledged defects or to introduce a system more in accordance with his own views.

He particularly complains that the time and energy of his surveyors have been devoted to the measurement of pastoral runs, instead of to other purposes more important, in his opinion, to the great interest of the colony. But we find that he himself insisted upon the necessity of the surveys for the purpose of defining the boundaries of runs.

We feel called upon to bear testimony to the energy which has characterised the personal efforts of the Surveyor-General in carrying out his general surveys, whatever may be the opinion which we have formed as to their value; nor do we overlook the fact that many new districts have been discovered and opened up, and much benefit thus conferred upon the country by his exploratory expeditions, as well as by the efforts of his subordinates engaged upon the "feature surveys." It appears to us, however, that the devotion of the Surveyor-General to "feature" and general surveys, and his long absences from the actual supervision of his department, have contributed materially to its disorganization, by withdrawing his attention from ordinary and more immediately important duties connected with the transfer of land from the Government to the settler.

The alleged inefficiency of the department seems also in a great measure attributable to the want of that mutual good feeling and cordial co-operation between the Surveyor-General and his officers without which it is impossible, under any system, however excellent, that the duties of the department can be efficiently administered.

Every possible assistance has been afforded to us in the conduct of our inquiry by the Surveyor-General, and by every person to whom we have applied. We have, nevertheless, experienced much difficulty and embarassment from the inconsistencies in the evidence of the Surveyor-General, and also from the circumstance of his evidence having been materially modified, altered, and enlarged. We feel compelled, in justice to ourselves, to allude to these inconsistencies, on account of the difficulty which they have occasioned us in arriving at a decision upon several points of our inquiry; at the same time that we hope that they may fairly be attributed, in some cases to lapse of time, and in others to the multitude and complexity of the subjects pressing upon his attention.

We conclude our report by observing, that whilst we have endeavoured to carry out our instructions in their full extent, we fear that upon minor points connected with so extensive and intricate a department omissions may have been made, means of obtaining information overlooked, or documents escaped our notice. We hope, however, that we have sufficiently considered the main points to which our attention has been directed.

We feel happy in stating that we are unanimous upon every part of this report.

We have the honour to be,
your Excellency's most obedient and very humble servants,

(L.S.) M. B. Pell, Chairman.
(L.S.) And. Clarke.
(L.S.) J. S. Hawkins, Capt. R.E.

E. P. Colquhoun, Secretary.
Sydney, August 11, 1855.

No. 8.

No. 8.

Copy of a DESPATCH from Governor-General Sir W. Denison to the Right Hon. Sir W. Molesworth, Bart.

(No. 11.)

Government House, Sydney,
January 19, 1856.
(Received, April 28, 1856.)

Sir,

(Answered, No. 64, May 22, 1856, page 37.)

* Page 30.

In a Despatch, No. 14,* dated 12th May 1855, I received a copy of a communication from Sir H. Young to the Secretary of State, dated 17th September 1853, relative to the navigation of the Murray, in which, for reasons therein stated, a continuous reserve of water frontage along the whole length of the river, and for a breadth of two miles, is recommended.

2. The reasons adduced by Sir H. Young are based upon the advantages which the Murray presents as a means of communication with the interior, and the desirableness of holding out special inducement to settlers to locate themselves in the basin of the river.

3. Upon a careful consideration of all the circumstances connected with the navigation of the Murray, I am induced to believe that the advantages, both present and prospective, has been very much exaggerated.

4. I may also state that in my opinion the policy which would hold out an inducement to settlers to scatter themselves over an immense district, instead of concentrating their energies upon the soil within reach of the capital of the colony, is likely to prove most injurious to the welfare, both material and moral, of the inhabitants.

5. I may add, with regard to the specific proposal made in Sir H. Young's Despatch, that it would at once deprive the squatters on the banks of the Murray of access to water, and thereby render their runs useless.

Under these circumstances I have not thought it advisable to act upon the proposal, but have decided to leave the whole subject open for the consideration of the legislature of the colony.

6. In the meantime, however, should it be considered hereafter desirable to make such a reservation, the squatters on the banks of the river cannot interfere, as by a notice in the Government Gazette, dated 15th January 1854, of the intention of the Government to make such reserve, their right of pre-emption with respect to that land ceases to be operative.

I have, &c.
(Signed) W. DENISON.

The Right Hon.
Sir William Molesworth, Bart.,
&c. &c. &c.

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Despatches from the Secretary of State.

No. 1.

No. 1.

Copy of DESPATCH from the Right Hon. Sir George Grey, Bart., to Governor-General Sir C. E. FitzRoy.

(No. 42.)

Sir, Downing Street, September 5, 1854.

* *Vide* Papers presented Aug. 1854. Page 17.

With reference to your Despatch, No. 22,* of 31st January last, proposing the establishment of rules and regulations for the demise of mineral lands, not auriferous, similar to those established in South Australia, I have now to transmit you an Order in Council for that purpose.

11 August 1854.

But this Order in Council can have no force (under section 6 of the Act of Parliament), until six months after it has been laid before Parliament, which it was impossible to do last session in consequence of the lateness of the period at which your Despatch arrived.

I have, &c.
(Signed) G. GREY.

To Governor Sir Charles FitzRoy,
&c. &c. &c.

Encl. in No. 1.

Enclosure in No 1.

At the Court at Buckingham Palace, the 11th day of August 1854.

PRESENT,

The Queen's most Excellent Majesty in Council.

9 & 10 Vict. c. 104. s. 6.

Whereas by an Act passed in the session of Parliament held in the ninth and tenth years of Her Majesty's reign, intituled "An Act to amend an Act for regulating the sale of "waste lands belonging to the Crown, in the Australian Colonies, and to make further "provision for the management thereof," after reciting that it might be expedient that various rules and regulations should be made respecting the more effectually making demises or licences for any term of years, not exceeding 14, of any such waste lands as therein mentioned, and respecting the reservation on such demises or licences of any such rents or other pecuniary services, and respecting the insertion therein of such conditions and clauses of forfeiture as are therein mentioned, and respecting any other matters and things which might be requisite either for carrying into more complete effect the occupation in manner therein mentioned of such waste lands as aforesaid, or for preventing the abuses incident thereto, it was enacted, that it should be lawful for Her Majesty, by any Order in Council, to make and establish all such rules and regulations as to Her Majesty should seem meet for the purposes aforesaid, or for any of them, and any such rules and regulations again to repeal, renew, alter, and amend; and that all such Orders in Council should have the force and effect of law in the colonies aforesaid:

And whereas in pursuance of the said Act of Parliament certain rules and regulations have already been made with regard to the colony of New South Wales for the above purposes:

And whereas it is expedient that additional rules and regulations, as herein-after contained, shall now be made and established for demising lands supposed to contain minerals not auriferous, and for working the same. It is hereby ordered by the Queen's most Excellent Majesty, by and with the advice of her Privy Council, that within the said colony of New South Wales it shall be lawful for the Governor of the said colony to demise such lands supposed to contain minerals, not auriferous, to any party or parties desirous of working the same, on the following conditions:—

1. The extent of land so to be granted shall be fixed from time to time by the Governor, with the advice of his Council.

2. It shall be lawful for the Governor to grant leases for any term not exceeding 14 years, at a rental to be fixed by such Governor with the advice of the Executive Council, but not less than ten shillings per acre per annum, payable yearly in advance. It shall also be lawful for such Governor in like manner to engage to grant the like leases to commence and be computed from the expiration of one year after the date of such engagements. The intended lessee to be at liberty during the year preceding the commencement of such last-

mentioned leases to search for minerals (not being gold ore) and to have the right at or before the expiration of the year, to exercise the option of accepting such leases or not. Provided always, that any person entering into any such engagement for a lease who shall remove, or cause to be removed, any ore from the land before such lease shall have been accepted by him, shall forfeit his claim thereto.

3. At the termination of the lease, the land shall be open to sale, by public auction, to the highest bidder.

4. Should the land not be purchased by the lessee, the value (to be estimated) of any improvements he may have made, or buildings he may have erected thereon, will be added to the upset price of the land, and he will be allowed compensation for the same, if sold.

5. Such leases to contain ordinary clauses of re-entry and forfeiture.

And the Right Honourable Sir George Grey, Baronet, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) C. C. Greville.

No. 2.

No. 2.

Copy of DESPATCH from the Right Honourable Sir George Grey to Governor-General Sir William Denison.

(No. 26.)

Sir, Downing Street, December 25, 1854.

I transmit to you herewith a memorial which has been received at this Department, through Mrs. Sarah Birkett, from certain persons describing themselves as occupiers of land in the district of Eden, New South Wales, and I have to request that you will furnish me with a report on the subject to which it relates. You will inform the memorialist of the reference which has thus been made to you.

I have &c.

Governor Sir William Denison, &c. &c. &c.

(Signed) G. GREY.

P.S. As the memorial has been sent in original I have to request that you will return it with your report.

Enclosure in No. 2.

Encl. in No. 2.

To His Grace the Duke of Newcastle, Her Majesty's Chief Secretary of State for the Colonies.

Panbula, New South Wales, June 8, 1854.

(37° S. Lat., 150E. Long.)

Your Grace.

We the undersigned, being occupiers of land in the parish of Panbula and district of Eden, New South Wales, humbly beg leave to urge upon your Grace the following representations:—

1st. That our cramped condition as cultivators, and the difficulty and annoyance attending our every attempt to stretch out our operations, render imperative a speedy alteration of the modes for accomplishing the settlement of the lands about us. It has been the custom to offer remnants of sections amongst an eager multitude of buyers; from which artifice a vexatious competition has always resulted; and so contracted is our settlement that when the whole of the available soil in the parish shall have been taken up, the average of our holdings will exhibit a community of cottagers, subsisting prosperously only by virtue of high prices for such produce as our allotments in their exhausted state must soon prove powerless to yield.

2d. That with embryo operations of astounding magnitude before our eyes, carried on with the succour and under the sanction of regulations utterly incompatible with the true interest of extended colonization, (however well adapted for its incipient development,) we witness with pain and chagrin the possible foreshadowings of a state of things in which we must either descend from our freeholding condition to that of tenants (moderately speaking) or else abandon our homes for hospitable regions which ocean transit, by its daily increasing appliances, is constantly bringing into closer connection with us.

3. That the existence in office of a nobleman reputedly in all respects highly gifted, with unwavering dignified principle actuating to the fulfilment of what appears essentially just and right, encourages us to hope for satisfaction, in such shape as shall serve to stimulate that resolute energy and steady purpose to our view, fortifying amply the claim to those only resources which can enable us as cultivators to perpetuate real prosperity.

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We do not presume to offer any specific measure for the guidance of Your Grace in this grand work of organic state-founding, but would humbly beg your authority for the throwing open of the Bega country, for purchase at the upset price, in blocks not exceeding 100 acres, and subject to actual occupation.

The Bega country, 25 miles northward of us, is 20,000 acres in extent of clear Savannah territory, to which attach the advantages of abundant water supplies, a uniformly rich soil (alluvial loam,) undulatory and highly picturesque, high agricultural capabilities, (its wheat weighing five pounds per bushel heavier than any other wheat produced in the colony,) and feasible means of transport to the markets, by a river which intersects the territory, and has its embouchure into the Pacific after a course of seven miles.

We humbly defer to the able judgment of Your Grace, whether there can be any justification, in common right, for an exclusion from such valuable tracts as the Bega country, or for their absorption, together with millions of acres of similar territory, by the vicious licence of preëmption. For our own part, and for others who only await the opportunity of co-operating with us, we are desirous to plead the ability to purchase 15 or 20 per cent. of the said Bega territory, on the terms submitted, immediately, and the remainder in less than five years.

We beg leave to subscribe ourselves, humbly, your Grace's most faithful servants,

(43 Signatures.)

No. 3.

No. 3.

Copy of a DESPATCH from the Right Hon. Sir George Grey to Governor Sir William Denison.

(Separate.)

Sir, Downing Street, March 2, 1855.

With reference to Sir C. Fitzroy's Despatch, No. 21.,* of the 30th January 1854, reporting the formation of eight new counties in the district of Port Curtis, and suggesting that an Order in Council should be passed declaring three of these counties to belong to the settled, and the remaining five, with certain exceptions, to the intermediate class of lands in New South Wales, I have now to transmit to you an Order of the Queen in Council for that purpose.

* *Vide* Papers presented 10 August 1854. Page 13.

8 February 1855.

I have to acquaint you that this Order was laid before Parliament on the 1st instant, viz., within 30 days of the passing of the same, as required by the 6th section of the Statute 9 & 10 Vict. cap. 104., and that it has likewise been published in the London Gazette.

You will bear in mind that the Order can have no force in the colony of New South Wales until the expiration of six months from the date at which it was laid before Parliament.

I regret the delay which has occurred in its transmission, but Sir C. Fitzroy's Despatch, which has led to the Order being passed, was not received in time to allow its being laid before Parliament during the last Session.

I have, &c.

Governor Sir William Denison, &c. &c. &c.

(Signed) G. GREY.

Encl. No. 3.

Enclosure in No. 3.

At the Court at Windsor, the 8th day of February 1855.

PRESENT,

The Queen's most Excellent Majesty in Council.

Whereas by an Act passed in the session of Parliament holden in the ninth and tenth years of the reign of Her present Majesty, intituled "An Act to amend an Act for regulating the sale "of waste land belonging to the Crown in the Australian Colonies, and to make further "provision for the management thereof," after reciting that it might be expedient that various rules and regulations should be made respecting the division of the said colonies into districts, within which alone the demises or licences mentioned in the said Act might be made to take effect; it was enacted that it should be lawful for Her Majesty by an Order or Orders in Council, to make and establish all and any such rules and regulations as aforesaid, as to Her Majesty may seem meet, and any such rules and regulations again to repeal, renew, alter, and amend, and that all such Orders in Council should have the force and effect of laws in the said Australian Colonies.

And whereas by an Order in Council, dated the 9th March 1847, made in pursuance of the powers of the said Act, it was ordered that the lands in the colony of New South Wales should, for the purposes of the said Order, be considered as divided into three

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classes, and be dealt with accordingly as they might be situated in districts, to be denominated respectively as the settled, the intermediate, and the unsettled districts; and it was ordered that the settled districts should comprehend certain lands therein mentioned;

And whereas it is expedient to include within the said settled and intermediate districts certain lands herein-after mentioned not already included within the same;

It is, therefore, hereby ordered, by the Queen's most Excellent Majesty, by and with the advice of her Privy Council, that from and after the proclamation of this Order in the said colony, and the lapse of six months next after this Order shall have been laid before Parliament, the said settled districts shall comprehend, in addition to the lands already comprehended therein, the counties or reputed counties of Clinton, Deas Thomson, and Livingstone, and it is hereby further ordered that from and after the time aforesaid, the said intermediate districts shall comprehend, in addition to the lands already comprehended therein, the counties of Palmerston, Liebig, Raglan, Pelham, and Flinders, except so much of the counties of Liebig, Palmerston, and Flinders, as lies within the distance of three miles, measured in a straight line, from the sea, which by operation of the aforesaid Order of the 9th of March 1847, is already comprehended within the settled districts.

And the Right Honourable Sidney Herbert, One of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

WM. L. BATHURST.

No. 4.

No. 4.

COPY of a DESPATCH from the Right Hon. Sir GEORGE GREY to Governor Sir WILLIAM DENISON.

(Separate.)

SIR, Downing Street, March 2, 1855.

WITH reference to my predecessor's Despatch, No. 42.,* of the 5th of September last, enclosing an Order of Her Majesty in Council establishing rules and regulations for the demise in New South Wales of mineral lands not auriferous, I have to acquaint you that, through some accident, the Order in question was omitted to be laid before Parliament within one month from the day of the date thereof, as required by the 6th section of the Statute 9 & 10 Vict. cap. 104., and consequently that the order, which was sent out as above adverted to, has been deemed to be vitiated.

* Page 26.

Under these circumstances it was thought expedient again to submit the same for the approval of Her Majesty in Council, and I now enclose to you a new Order in Council, in every respect identical with the last, under date the 8th February, which was laid before Parliament on the 1st instant, and which has likewise been published in the London Gazette.

8 February 1855.

You will bear in mind that this Order in Council can have no force in the colony until the expiration of six months from the date at which it was laid before Parliament.

I have, &c.
(Signed) G. GREY.

Governor Sir William Denison,
&c. &c. &c.

Enclosure in No. 4.

Encl. No. 4.

At the Court at Windsor the 8th Day of February 1855.

PRESENT,

The Queen's most Excellent Majesty in Council.

WHEREAS by an Act passed in the session of Parliament held in the ninth and tenth years of Her Majesty's reign, intituled "An Act to amend an Act for regulating "the sale of waste land belonging to the Crown in the Australian Colonies, and to make "further provision for the management thereof," after reciting that it might be expedient that various rules and regulations should be made respecting the more effectually making demises or licences for any term of years, not exceeding fourteen, of any such waste lands as therein mentioned, and respecting the reservation on such demises or licenses of any such rents or other pecuniary services, and respecting the insertion therein of such conditions and clauses of forfeiture as are therein mentioned, and respecting any other matters and things which might be requisite either for carrying into more complete effect the occupation in manner therein mentioned of such waste lands as aforesaid, or for preventing the abuses incident thereto, it was enacted that it should be lawful for Her Majesty by any Order in Council, to make and establish all such rules and regulations as to Her Majesty should seem meet for the purposes aforesaid, or for any of them, and any such rules and

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regulations again to repeal, renew, alter, and amend, and that all such Orders in Council should have the force and effect of law in the colonies aforesaid.

And whereas, in pursuance of the said Act of Parliament, certain rules and regulations have already been made with regard to the colony of New South Wales for the above purposes;

And whereas, it is expedient that additional rules and regulations as heren-after contained shall now be made and established for demising lands supposed to contain minerals not auriferous, and for working the same. It is hereby ordered by the Queen's most Excellent Majesty, by and with the advice of Her Privy Council, that within Her said Colony of New South Wales it shall be lawful for the Governor of the said Colony to demise lands supposed to contain minerals, not auriferous, to any party or parties desirous of working the same, on the following conditions.

1. The extent of land so to be granted shall be fixed from time to time by the Governor, with the advice of his Council.

2. The term of the lease shall be for a term not exceeding 14 years, at a rental to be fixed by the Governor, with the advice of the Executive Council, but not less than 10*s.* per acre per annum, payable yearly in advance. The lessee on payment in advance being entitled to the right of search during the first year, and to the option of giving up the lease. The lease to date from the commencement of the second year.

3. Any person claiming a lease on the above conditions who shall remove, or cause to be removed, any ore from the land before a lease thereof shall be accepted by him, shall forfeit his claim thereto.

4. At the termination of the lease, the land shall be open to sale by public auction, to the highest bidder.

5. Should the land not be purchased by the lessee, the value (to be estimated) of any improvements he may have made, or buildings he may have erected thereon, will be added to the upset price of the land, and he will be allowed compensation for the same, if sold.

6. The lease to become void and forfeited if the rent is not duly paid in advance, and if the land is not *bonâ fide* applied to mining purposes.

And the Right Honourable Sidney Herbert, One of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) Wm. L. Bathurst.

No. 5.

No. 5.

Copy of a DESPATCH from the Right Hon. Lord John Russell to Governor Sir William Denison.

(No. 14.)

Sir, Downing Street, May 12, 1855.

As the measures for the repeal of the Waste Lands Acts and placing the land revenue at the disposal of the local Government and Legislature are in preparation, I wish to call your attention to the suggestions respecting reserves on the river Murray, contained in Sir Henry Young's Despatch* of September 17th, 1853, of which I transmit a copy.

House of Commons Paper, No. 89. March 1854.

You will be best able to judge, with the advice of your Council, whether any early measures are requisite, or whether it is better to leave the subject for future consideration.

I have, &c.

(Signed) J. RUSSELL.

Governor Sir William Denison, &c. &c. &c.

NEW SOUTH WALES.

No. 6.

No. 6.

Copy of a DESPATCH from the Right Hon. Lord John Russell to Governor Sir William Denison.

(No. 24.)

Sir, Downing Street June 1, 1855.

With reference to your predecessor's Despatch, No. 80,* of the 20th June last, relative to the engagement in this country of a certain number of surveyors for service in New South Wales, I transmit herewith for your information, copies of the correspondence which has passed upon the subject, as noted in the margin, which will place you in full possession of the steps which have been taken for meeting the wishes of the local Government in this respect.

I have, &c.

Governor Sir William Denison, &c. &c. &c.

(Signed) J. RUSSELL.

* Page 1.

Colonial Office to Agent. 2 December 1854.
Col. Dawson. 12 January 1855.
Colonial Office to Mr. Thomson. 20 January 1855.
Mr. Thomson. 24 January 1855.
Colonial Office to Col. Dawson. 15 Feb. 1855.
Agent. 15 May 1855.
Colonial Office in reply. 4 June 1855.

Enclosure 1 in No. 6.

Encl. 1 in No. 6.

Sir, Downing Street, December 2, 1854.

I am directed by Secretary Sir George Grey to transmit to you the accompanying copy of a Despatch from the Governor of New South Wales, recommending that twelve surveyors, with their assistant labourers, may be engaged in this country and sent out on the conditions specified in the enclosure which accompanies his Despatch.

No. 80. 20 June 1854. page 1.

The Lords Commissioners of the Treasury having assented to this arrangement, I am to instruct you to communicate on the subject with Colonel Dawson, and to avail yourself of that officer's assistance in procuring persons qualified for this duty.

You will, however, take care to submit for Sir George Grey's approval the arrangements which you may propose to make, in pursuance of this application, before entering on any final engagements.

I have, &c.

E. Barnard, Esq.

(Signed) H. Merivale.

Enclosure 2 in No. 6.

No. 2 in No. 6.

Inclosure Commission, 3, St. James's Square, January 12, 1855.

Sir,

Mr. Barnard, the Colonial Agent, having communicated to me your wish that I should recommend to you twelve surveyors for service in New South Wales, and having also communicated to me the scale of licensed surveyor's fees, by which their service is to be remunerated, instead of by daily pay or salary, I have the honour to state that I should not anticipate any difficulty in finding the required number of candidates for the new appointments, if I were enabled to explain to them somewhat more specifically the nature and probable quantity of the work to be performed, and its locality—whether in the neighbourhood of existing settlements, or in remote and unoccupied districts; and, in the latter case, whether camp equipage and transport will be found; and whether a free passage to the colony will be provided for the surveyors, and for their wives and children, if any of them be married men.

I understand that full employment is guaranteed for three years only, and a surveyor accepting it would naturally desire to know what he would have to provide for himself, what would be his probable outgoings, and what he might reasonably hope, with diligence, to realize as the result of his labour.

The assistant-labourers who are to accompany the surveyors will of course be allowed a free passage out; but I should be glad to know if they must be single men, or if any provision can be made for their wives and children, and how the labourers are to be paid.

I have, &c.

Secretary Sir George Grey, Bart. &c. &c. &c.

(Signed) Rob. K. Dawson, Lieut.-Colonel, late R.E.

Enclosure 3 in No. 6.

Encl. 3 in No. 6.

Sir, Downing Street, January 20, 1855.

I am directed by Secretary Sir G. Grey to transmit to you the copy of a Despatch from the Governor of New South Wales, recommending that twelve surveyors, with their assistant-labourers, may be engaged and sent out on certain specified conditions: and as

No. 80. 20 June 1854.

NEW SOUTH WALES.

12 January 1855.

the local authorities proposed that the contract should be made by the colonial agent, that officer was instructed to communicate on the subject with Lieut.-Col. Dawson, R.E. a copy of whose letter is also annexed. You will see that it refers to various points on which he wishes to be informed before he can make the required selection; and Sir G. Grey would be glad to be favoured with such information as it may be in your power to afford on these questions

I have, &c.
(Signed) F. Peel.

E. Deas Thomson, Esq.

Encl. 4 in No. 6.

Enclosure 4. in No. 6.

Sir, Hyeras, Var, January 24, 1855.

I have the honour to acknowledge the receipt of your letter of the 20th instant, requesting information on certain questions raised by Lieutenant-Colonel Dawson, relative to the engagement of twelve contract surveyors, with their assistant labourers, for the service of New South Wales.

2. I regret to state in reply, for the information of the Right Honourable Sir George Grey, that I feel very great difficulty in affording the information required. The questions raised by Lieutenant-Colonel Dawson have chiefly reference to matters of departmental detail, upon which correct information could alone be given by the Surveyor-General of New South Wales.

3. Lieutenant-Colonel Dawson desires to know more specifically the nature and probable quantity of the work to be performed, and its locality,—whether in the neighbourhood of existing settlements, or in remote and unoccupied districts, and, in the latter case, whether camp equipage and transport will be found. I am induced to believe, from the Surveyor-General's letter, that the description of work will consist, principally, in the measurement of small farms and country lots, ranging in area from 1 to 320 acres. From the large demand for land, which has for some time existed in the colony, in consequence of the highly prosperous condition of the labouring classes, and from the arrears in the measurement of small farms, which have accumulated from the impossibility of obtaining the services of competent surveyors, I think it probable that the quantity of work to be performed will continue very considerable for some time to come, but I submit that this is a point of less consequence, seeing that it is proposed to guarantee to the surveyors full work, on the last approved scale of terms, for three years from the date of their arrival in the colony. As respects the localities in which they are likely to be employed, it is impossible to speak with any degree of precision. The small farms, for which I believe the greatest demand exists, are chiefly situated within the nineteen counties that have been finally proclaimed; but, even before I left the colony, a demand was growing up for the small farms and town allotments, situated in the numerous large reserves that have been withdrawn from the licensed runs in the squatting districts; and I apprehend that the services of some of the surveyors will be required also for their measurement, but I believe the locality makes no very material difference, either as regards the expenses to be incurred or the privations to be endured, by the officers undertaking this service. In no cases, I believe, is it intended to allow camp equipage and transport, the scale of remuneration having been fixed with sufficient liberality to cover all expenses attendant upon the survey.

4. Lieutenant-Colonel Dawson also inquires whether a free passage will be provided for the surveyors and their wives and children, if any of them be married men. I believe that it has not been usual to allow passages in such cases, but, as their remuneration will not commence until their actual employment in the field, it may not perhaps be unreasonable to grant them, as well as their wives and children, if married, free passages to the colony. I would observe, however, that it would be preferable for a service of this kind to engage unmarried men, if competent persons of that class can be obtained.

5. Lieutenant-Colonel Dawson further desires to know, what the surveyor will have to provide for himself, what would be his probable outgoings, and what he might reasonably hope, with diligence, to realize, as the result of his labour. Upon these points, I regret that I am unable to afford any information. I have no doubt, however, that the scale of remuneration has been fixed in such a manner, with reference to existing circumstances, as not only to cover all attendant expenses, but to leave a handsome profit to the surveyor; but much will depend upon himself, as he will be paid only for the actual work performed. By a zealous and diligent discharge of his duty he will be able to make a corresponding addition to his remuneration.

6. Lieutenant-Colonel Dawson also inquires, whether the labourers who are to accompany the surveyors must be single men, and how they are to be paid. I think that, for a service of the nature in question, unmarried men will be found the most suitable. They should receive the rates of wages current in the colony for the time being, which I believe will have to be paid to them by the contract surveyors as part of the expense of survey. It would be desirable that, previously to their embarkation, they should enter into written engagements to continue in the service of the surveyors hiring them, for a fixed period,

say three years. As persons of the labouring class they will, of course, be entitled to free passages to the colony.

7. I cannot conclude without repeating that it is not without considerable diffidence that I have hastened to offer the foregoing observations.

I have, &c.

Frederick Peel, Esq., M.P., &c. &c. (Signed) E. Deas Thomson.

Enclosure 5 in No. 6.

Encl. 5 in No. 6.

Sir, Downing Street, February 15, 1855.

With reference to your letter of the 12th ult., submitting various points on which you wished for information previous to taking any steps for the selection of the surveyors and assistant labourers required for service in New South Wales, I am directed by Secretary Sir G. Grey to enclose a copy of a letter from Mr. Deas Thomson, the Colonial Secretary, now on leave of absence on the Continent, in answer to a reference which was made to him on the subject.

24 January 1855.

Sir G. Grey is unable to add anything to the information furnished by Mr. Thomson, and hopes it is sufficiently full to enable you to find the required number of candidates for the employment offered by the Government of the colony.

I am, &c.

Lieut.-Col. R. K. Dawson, R. E. (Signed) H. Merivale.

Enclosure 6 in No. 6.

Encl. 6 in No.

Sir, 5, Cannon Row, May 15, 1855.

With reference to the instructions conveyed to me in your letter of 2nd December last, I have to acquaint you, for the information of Lord John Russell, that having communicated with Colonel Dawson on the subject of the engagement of the 12 surveyors and their assistant labourers for service in the colony of New South Wales, I have received a reply, a copy of which is enclosed, recommending certain individuals for this employment.

May 8, 1855.

If these parties are engaged I request to be informed whether the Emigration Commissioners will be instructed to provide passages for them in one of their vessels, which would effect a saving of expense, as cabin accommodation by private ships would amount to a considerable sum.

I beg to add that no particulars are given to me as to the conditions upon which the labourers are to be engaged, and I would therefore request to be favoured with some further instructions for my guidance.

I have, &c.

H. Merivale, Esq., &c. &c. &c. Edward Barnard.

Sub-Enclosure in Enclosure No. 6.

Sub-Encl. in Encl. No. 6.

Sir, 3, St. James' Square, May 8, 1855.

With reference to your letters of the 7th of December, and 31st of March last, I have the honour now to enclose a list of surveyors who have expressed their willingness to engage for the service in New South Wales, on the terms proposed,—full work being guaranteed to them for three years from the date of their arrival in the colony, and a free passage out being provided for themselves and their families.

I have, &c.,

E. Barnard, Esq., &c. &c. &c. (Signed) Robert K. Dawson, Lieut.-Col.

List of Surveyors; those with Families are marked M.

Berry, John, - -	M.	44, James Grove, Commercial Road, Peckham.
Berry, Thomas - -		Do.
Twynam, Edward -		52, Parliament Street.
Hicks, Thomas H. -	M.	16, St. John's Lane, Clerkenwell.
Rowland, Josiah -	M.	Fair Street, Drogheda.
Kelley, John - -	M.	98, Union Street, Lambeth.
Maguire, Hugh - -	M.	Engineer's Office, Hereford.
Oliver, Thomas J. -		Rhewl, Mostyn, Holywell.

NEW SOUTH WALES.

Condon, P. W. - - 1, Harwood Place, High Street, Peckham.
Malley, John - - M. 2, Red Lion Passage, Red Lion Street, Holborn.
Grogan, J. H. - - 76, Hatton Garden.
Sanderson, Edmund M. 13, Cheltenham Terrace, Chelsea.

N.B.—Messrs. Rowland, Grogan, Oliver, and Sanderson, each propose to take out two assistant labourers. Mr. James M'Gann, 13, Stangate, Lambeth, is also willing to go out as an assistant.

(Signed) ROBERT K. DAWSON,
Lieut.-Col.

Encl. 7 in No. 6.

Enclosure 7. in No. 6.

SIR, Downing Street, June 4, 1856.

IN reply to your letter of the 15th ultimo, I am directed by Lord John Russell to acquaint you that you are authorized to accept the services of the surveyors and labourers mentioned in the list from Col. Dawson which accompanies your letter, and that instructions have been given to the Colonial Land and Emigration Commissioners to provide these persons and their families with passages to New South Wales, and to place themselves in communication with you on the subject.

With regard to your request to be informed of the conditions on which the labourers are to be engaged, I am desired to acquaint you that these labourers are to be selected by the surveyors themselves, but that it has been found impracticable by those gentlemen to settle with sufficient precision in this country any terms to which the men should be bound, and consequently that they are merely to have a free passage, leaving it to the surveyors to obtain the benefit of their services after arrival, by offering them the current rate of wages in the colony, and by the exercise of any influence which they may obtain over men procured and taken to the colony through their instrumentality.

I am, &c.
(Signed) H. MERIVALE.

E. Barnard, Esq.,
&c. &c.

No. 7.

No. 7.

COPY of DESPATCH from the Right Honourable Lord J. RUSSELL to Governor Sir W. DENISON.

No. 39.

SIR, Downing Street, January 19, 1855.

I HAVE received your predecessor's Despatches, Nos. 179 and 187* of the 30th of December last,—the former supplying the information called for by the Duke of Newcastle as to the boundaries of the town of Gladstone, and the latter enclosing a set of regulations relative to the occupation for pastoral purposes of lands in the new counties of Clinton, Deas Thomson, and Livingstone in the Port Curtis District.

The pastoral regulations which authorize leases for one year, and the general rules which they prescribe, being applicable exclusively to lands within the settled districts, are in accordance with the Order in Council of the 9th of March 1847, section 4; by which the Governor of New South Wales is empowered to frame regulations for the pastoral occupation of such lands, and I have accordingly to convey to you the approval of Her Majesty's Government of the regulations now under notice, which bear date the 21st December 1854.

With respect to Sir C. Fitzroy's Despatch No. 179, I have only to remark that the Order in Council of the 8th of February 1855, declaring the counties before referred to to be within the settled districts, as suggested by his former Despatch No. 21 of the 30th January 1854, has rendered it unnecessary to ascertain the exact limits of the Town of Gladstone.

I have, &c.
(Signed) J. RUSSELL.

Governor Sir W. Denison,
&c. &c. &c.

NEW SOUTH WALES.

No. 8.

No. 8.

Copy of DESPATCH from the Right Honourable Lord J. Russell to Governor Sir W. Denison.

(No. 44.)

Sir, Downing Street, July 4, 1855.

With reference to my Despatch, No. 24,* of the 1st ultimo, informing you of the steps which had been taken for sending out to New South Wales the surveyors required for service in that Colony, I herewith transmit for your information copies of a further correspondence on the same subject, which has passed with the colonial agent general, from which you will perceive that, on the recommendation of Lieutenant-Colonel Dawson, R.E., to whom the selection of these surveyors was entrusted, I have sanctioned certain advances being made to them for their outfit and the purchase of necessary instruments, according to the scale laid down in Colonel Dawson's letter to Mr. Barnard, of which a copy accompanies this Despatch.

* Page 31.

Agent, 19 June.
Colonial Office, 26 June.

I have, &c.

Governor Sir W. Denison, &c. &c. &c.

(Signed) J. RUSSELL.

Enclosure 1. in No. 8.

Encl. 1. in No. 8.

Sir, 5, Cannon Row, June 19, 1855.

I have the honour to enclose for the information of Lord John Russell the copy of a letter from Lieut-Colonel Dawson, respecting an advance of 50*l.* each to the surveyors referred to in your letter of the 4th instant, and to request that you will favour me with his lordship's instructions on the subject.

15 June 1855.

I have, &c.

H. Merivale, Esq. &c. &c.

Edwd. Barnard.

Sub-Enclosure in Enclosure No. 1.

Sub-Encl. in Encl. No. 1.

Inclosure Office, 3, St. James' Square, June 15, 1855.

Sir,

In reply to your letter of yesterday's date, in which you ask if I consider 100*l.* to be a reasonable amount of advance to be allowed to each of the surveyors now proceeding to New South Wales, to enable them to provide instruments and outfit, I beg to state that there appears to me an objection in principle to the granting of any advance of pay whatever, but I am aware that some of these surveyors are not in a condition to proceed without assistance to some extent. The advance should, however, be limited in each case to what is really essential, and should not probably in any case exceed 50*l.*, that is to say, 25*l.* for instruments (supposing them not to be provided by the Colonial Government), and 25*l.* for outfit.

When the advance on account of instruments is made, I would suggest that the instruments should be produced for inspection previous to embarkation, and for single men an allowance of 10*l.* or 12*l.* should probably be sufficient for outfit.

I have, &c.

E. Barnard, Esq. &c. &c.

(Signed) Robert K. Dawson, Lieut-Colonel.

Enclosure 2. in No. 8.

Encl. 2. in No. 8.

Sir, Downing Street, June 26, 1855.

In reply to your letter of the 19th instant, I am directed by Lord John Russell, to convey to you his authority for making the advances recommended by Lieutenant-Colonel Dawson in his letter, which forms an enclosure to your own, to the surveyors who have been selected to proceed to New South Wales, the same to be defrayed from funds belonging to that colony.

It will be necessary, however, that these gentlemen should sign an undertaking on receiving the advance which may be respectively made to them, to guard the colony against loss in the event of their failing to enter upon their duties.

I am, &c.

E. Barnard, Esq.

H. Merivale.

NEW SOUTH WALES.

No. 9.

No. 9.

COPY of DESPATCH from the Right Hon. LORD JOHN RUSSELL to Governor Sir W. DENISON.

(No. 53.)

SIR, Downing Street, July 20, 1855.

WITH reference to my Despatch, No. 51,* of this date, I transmit to you the Act "to repeal the Acts of Parliament now in force, respecting the "disposal of the Waste Lands of the Crown in Her Majesty's Australian "Colonies, and to make other provisions in lieu thereof," which has now received the Royal Assent, and which completes the arrangements necessary for the introduction of the new constitution. Its provisions appear to call for no special explanation.

* Vide Papers "Constitutions of Australian Colonies," presented by Command, 24 July 1856, page 15.

18 & 19 Victoria, Cap. 56.

I have, &c.

Governor Sir W. Denison. (Signed) J. RUSSELL.
&c. &c. &c.

No. 10.

No. 10.

COPY of DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir W. DENISON.

(No. 4.)

SIR, Downing Street, January 10, 1856.

I HAVE received your Despatch, No. 122,* of the 10th of August last, proposing certain alterations in the Order in Council of the 8th of February 1855, relative to the demise in New South Wales of land supposed to contain minerals, not auriferous, as the regulations established under the order have been found inapplicable to lands where coal is known or believed to exist, and which lands you consider should be specially exempted from their operation.

* Page 8.

In reply, I have to express my approval of the set of rules which you suggest should be embodied for this purpose in a separate Order in Council, and I consider that you have assigned sufficient reasons for a modification of the Order in this respect, but I would point out to you that since the passing of the Act of last Session, 18 & 19 Vict. (Cap. 56.) relative to the waste land of Australia, the power to amend or repeal Orders in Council relating thereto, is conferred (Sec. 4.) upon the local Legislature, and consequently it is only necessary for me to refer you to this provision of the Imperial Act.

With regard to your suggestion in the concluding paragraph of your Despatch, that the proposed Order in Council should ratify and confirm certain agreements, which have already been made for leasing part of the Newcastle Coal Feld, and which would appear to be informal, as contrary to the Order in Council, the proper course would now appear to be, to apply to the local Legislature for a confirmatory Act.

I have, &c.

Governor Sir W. Denison, (Signed) H. LABOUCHERE.
&c. &c. &c.

No. 11.

No. 11.

COPY of DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir W. DENISON.

(No. 6.)

SIR, Downing Street, January 16, 1856.

I HAVE received your Despatch, No. 138,* of the 8th of September last, reporting on the subject of the memorial from certain occupiers of land in the District of Eden, which was forwarded to you for that purpose in Sir George Grey's Despatch, of the 25th of December 1854.

Page 10.

As the prayer of the memorial relates exclusively to matters connected with the disposal of land in New South Wales, the control over which has been transferred to the Colony, it is only necessary that you should point out to the memorialists, that it will be competent to them, should they think proper, to address a representation on the subject to the local Legislature.

I have, &c.

Governor Sir W. Denison, (Signed) H. LABOUCHERE.
&c. &c. &c.

No. 12.

No. 12.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Sir W. Denison.

(No. 17.)

Sir, Downing Street, February 1, 1856.

I have received your Despatch, No. 163,* of the 13th of October last, notifying the appointment of a Board of Inquiry into the state and management of the Survey Department, and accompanied by a copy of their Report.

* Page 11.

I feel that you have conferred a public benefit on the colony by instituting this inquiry, which appears to have been conducted with vigour and judgment by the able gentlemen whose services you were fortunate enough to secure for the purpose. You are so highly qualified to form a judgment on the subject, that I shall do no more than express my confidence that, under your experienced direction, nothing will be wanting to restore the efficiency of a branch of the public Service, so especially important as this one to the interests of a great and growing country like New South Wales.

I have, &c.

Governor Sir W. Denison, &c. &c. &c.

(Signed) H. LABOUCHERE.

No. 13.

No. 13.

Copy of DESPATCH from the Right Honourable H. Labouchere to Governor Sir W. Denison.

(No. 64.)

Sir, Downing Street, May 22, 1856.

I have to acknowledge the receipt of your Despatch, No. 11,* of 19th January last, reporting the circumstances under which you had decided to leave for the consideration of the Colonial Legislature the suggestions contained in Sir H. Young's Despatch of the 17th September 1853, respecting reserves on the river Murray.

* Page 24.

I have, &c.

(Signed) H. Labouchere.

No. 14.

No. 14.

Copy of DESPATCH from the Right Honourable H. Labouchere to Governor Sir W. Denison.

(No. 81.)

Sir, Downing-Street, June 27, 1856.

I enclose for your information copy of a correspondence between the Commissioners for the Affairs of India and this Department, respecting the disadvantage at which retired officers of the East India Company's Service are placed, as compared with officers of Her Majesty's forces, in not being allowed, on becoming settlers in the colonies, similar advantages in respect of the acquisition of land.

India Board, 28 May 1856.

Colonial Office, 27 June 1856.

You will perceive that I have informed Sir George Clerk that, as regards the colony under your Government, the East India Company's officers cannot now be placed by Her Majesty's Government on the same footing with officers of the Queen's service; but that it is open to the Local Government to do away with the distinction if they should think proper.

I have, &c.

Governor Sir W. Denison.

(Signed) H. LABOUCHERE.

NEW SOUTH WALES.

Encl. 1. in No. 14.

Enclosure 1. in No. 14.

SIR, India Board, May 28, 1856.

I AM directed by the Commissioners for the Affairs of India, to submit to you for the consideration of Her Majesty's Principal Secretary of State for the Colonies, a copy of a letter and its enclosures, which has been received from Sir James Melville, on the subject of retired officers of the East India Company's Service not being allowed a remission of purchase money, in the purchase of Crown lands in New South Wales.

9th May 1856.

I am, &c.

H. Merivale, Esq., (Signed) GEORGE CLERK.
&c. &c.

Sub-Encl. in No. 14.

(Copy.) Sub-Enclosure in No. 14.

SIR, East India House, May 9, 1856.

WITH reference to the announcement made in the Despatch to the Government of India (in the military department), dated the 5th of December last, I have the honour to forward copy of the communication from that Government, to which the Despatch above referred to replies, on the subject of retired officers of the East India Company's Service, not being allowed a remission of purchase money, in the purchase of Crown lands on settling in New South Wales.

2. The advantages enjoyed by Her Majesty's retired officers, with respect to the purchase of Crown lands in the Colonies, were offered by Her Majesty's Government to the retired officers of the East India Company's armies in the year 1836. The offer originated in a desire expressed by the Governor of Western Australia, that the settlement of such officers in the colony under his government should be encouraged. The boon thus offered was announced to the armies by the Government of India in general orders, and its advantages were enjoyed by the Company's officers from this date until 1847, when they were withdrawn from them. These advantages have since been restored so far as regards the colonies of Van Diemen's Land and Western Australia.

3. In forwarding this communication, I am instructed by the Court of Directors, to express their hope that the present may be deemed a fitting occasion for a reconsideration of the subject by Her Majesty's Government, with the view of restoring to the officers of the Indian armies the advantages of obtaining a remission in the purchase of land in settling in Her Majesty's colonies generally, which they enjoyed from the year 1836 to 1847, thus removing any distinction in this respect between the officers of Her Majesty and those of the Company.

I have, &c.

The Secretary, India Board. (Signed) JAMES C. MELVILLE.

MILITARY LETTER from INDIA.

Fort William, August 11, 1855.

WE have the honour to forward the accompanying copy of a letter, No. 55, dated 15th February 1855, from the Colonial Secretary at Sydney, New South Wales, expressing the regret of his Excellency the Governor General of that colony, that Officers retiring from the East India Company's service, are not, according to the regulations now in force, allowed remission in the purchase of Crown lands, with our recommendation that your Honourable Court will be pleased to represent the matter favourably to Her Majesty's Government, in order that the same indulgence may be granted to the Officers of the East India Company's service, as is accorded to those of Her Majesty's.

FROM the SECRETARY to the GOVERNMENT of INDIA in the Military Department, to the COLONIAL SECRETARY, NEW SOUTH WALES.

SIR, October 30, 1854.

I AM directed to acquaint you, for the information of the Governor, that Lieutenant Henry Archibald Watson, of the 49th regiment of Native Infantry, has been permitted, in Government General Order, No. 1,075, of the 30th of October 1854, to resign the service of the East India Company, from the 6th of October 1854, for the purpose of settling in New South Wales.

A certificate of Lieutenant Watson's being a settler in the colonies is forwarded for your information and guidance.

I have, &c.

The Colonial Secretary, New South Wales. (Signed) R. J. H. BIRCH.

NEW SOUTH WALES.

Colonial Secretary's Office, Sydney,
February 15, 1855.

Sir,

I do myself the honour to acknowledge the receipt of your letter of the 30th of October last, containing a statement of the services of Lieutenant Henry Archibald Watson, of the 49th regiment of native infantry, who has been permitted to resign the service of the East India Company for the purpose of settling in this colony, and to acquaint you that the same has been duly laid before his Excellency the Governor General.

2. His Excellency, I am directed to add, regrets that officers retiring from the East India Company's service are not, according to the regulations now in force, allowed remission in the purchase of Crown lands in this colony.

I have, &c.
(Signed) C. V. Riddell.

To the Military Secretary to the Government of India.

Enclosure 2. in No. 14.

Encl. 2. in No. 14.

Downing Street, June 27, 1856.

Sir,

I am directed by Mr. Secretary Labouchere to acknowledge the receipt of your letter of the 28th ult., with its enclosures, calling attention to the disadvantage at which retired officers of the East India Company's service are placed as compared with those of Her Majesty's forces, in not being allowed, on becoming settlers in the colonies, similar advantages in respect of the acquisition of land.

In reply I am to request that you will state to the Commissioners for the Affairs of India that Mr. Labouchere is prepared at once to extend the advantages thus enjoyed by Queen's officers to the officers of the East India Company, so far as the colonies of Western Australia and Natal are concerned, and that he will communicate with Sir H. Ward, the Governor of Ceylon, as regards the expediency of including that colony in the arrangement.

With respect to New South Wales, to which you particularly refer, and the colonies of Victoria and New Zealand, I am to inform you that the control over the waste lands of the Crown in those colonies has been transferred by Parliamentary enactments to the local Legislatures, and that the same is about to take place in South Australia; and consequently that, although the advantages hitherto held out to officers of Her Majesty's Service are still obtainable in those colonies, until the local Legislatures may think fit to make other provisions, the Secretary of State has no power to extend those advantages to other applicants.

The same observation applies to the Cape of Good Hope, where the control over the waste lands of the Crown has also been recently surrendered to the local Government.

Mr. Labouchere will transmit to the respective Governors a copy of your letter, in order that they may take such steps on the subject as they may think advisable.

I am, &c.
(Signed) J. Ball.

Sir Geo. Clerk.

VICTORIA.

VICTORIA.

Despatches from Governor Sir Charles Hotham.

No. 1.

No. 1.

COPY of DESPATCH from Governor Sir CHARLES HOTHAM to the Duke of NEWCASTLE.

(No. 100.) Toorac, near Melbourne, August 20, 1854.
(Received, December 5, 1854.)

MY LORD DUKE, (Answered, No. 24, March 16, 1855, page 73.)

SEVERAL applications having been made to me for mineral leases, having as their object to obtain grants of land for the purpose of working copper and coal mines, I deemed it my duty to refer the subject to my law advisers, and under their counsel I have determined to offer yearly licences, and thus obtain sufficient time to receive your Grace's instructions.

From the best information which I have been enabled to gather, there seems to be no doubt that copper, coal, and tin are to be found in various parts of this colony, and that even at the present high rate of wages they could be worked at a profit.

It is unnecessary for me to point out to your Grace the propriety of developing the mineral resources of this colony to their fullest extent, and, expanding as this community does with a rapidity past man's calculation, it is of pressing importance to acquire the means of supplying both the locomotive and stationary engines with coal at the cheapest possible rate.

The attention of the public is anxiously turned to railways. There is incontrovertible evidence to show that the present prices of all goods is doubled in their transit from Melbourne to the diggings, whilst the perishable quality of the stone proves that macadamized roads will not resist the heavy rains and long droughts to which they are alternately exposed.

In a future Despatch it will be my duty to draw your Grace's attention to the whole subject of railways. In the meantime I do myself the honour to request that your Grace will cause Orders in Council to be issued, empowering the Lieut.-Governor to grant leases of lands supposed to contain minerals not auriferous, according to the enclosed form, which is based generally on those granted in South Australia.

Enclosure.

I have, &c.

His Grace the Duke of Newcastle, (Signed) CHARLES HOTHAM.
&c. &c. &c.

Encl. in No. 1.

Enclosure in No. 1.

DRAFT of an Order in Council as desired to be framed by the Lieutenant-Governor of Victoria.

WHEREAS it is expedient that rules and regulations as herein-after contained should be made and established for demising lands supposed to contain minerals not auriferous, and for working the same:

It is hereby ordered by the Queen's most Excellent Majesty, by and with the advice of Her Privy Council, that within the colony of Victoria it shall be lawful for the Governor or officer administering the Government of the said colony to demise lands supposed to contain minerals not auriferous to any party or parties desirous of working the same on the following conditions:—

I. The extent of land so to be granted shall be fixed from time to time by the Governor or officer administering the Government, with the advice of his Council.

II. That the term of the lease shall be for a term not exceeding fourteen years, at a rental of not less than ten shillings per acre per annum, or such higher rental as the Governor or officer administering the Government shall, with the advice of his Council, from time to time direct, yearly in advance, the lessee on payment of such a rent in advance being entitled to the right of search during the first year, and to the option of giving up the lease. The lease to date from the commencement of the second year.

III. Any person claiming a lease on the above conditions who shall remove or cause to be removed any ore from the land before a lease thereof shall be accepted by him shall forfeit his claim thereto.

IV. At the termination of the lease the land shall be open to sale by public auction to the highest bidder.

V. Should the land not be purchased by the lessee, the value (to be estimated) of any improvements he may have made or buildings he may have erected thereon will be added to the upset price of the land, and he will be allowed compensation for the same if sold.

VI. The lease to become void and forfeited if the rent is not duly paid in advance, and if the land is not bonâ fide applied to mining purposes.

No. 2.

No. 2.

Copy of DESPATCH from Governor Sir Charles Hotham to the Duke of Newcastle.

(No. 107.) Toorac, near Melbourne, August 24, 1854.

My Lord Duke, (Received, December 5, 1854.)

In conformity with the instructions contained in Lord Stanley's Circular Despatch of the 22d March 1845, I have the honour to transmit the accompanying returns; viz.

1. Land sold during the year 1853.
2.* Land reserved or purchased for public uses, or granted without purchase, and miscellaneous information on Crown lands, for the year 1853.
3.* Lands under lease or licence or subject to quit rents.
4.* Surveyors and surveys.

I have, &c.

His Grace the Duke of Newcastle, (Signed) CHARLES HOTHAM.
&c. &c. &c.

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* These Returns being very voluminous are not printed.

Enclosure in No. 2.

RETURN of all Lands in the Colony of Victoria sold at Auction, and Lands alienated from the Crown by Selection and under Pre-emptive Right, with the Amounts realized, from the 1st of January to the 31st of December 1853.

Counties.	Sold at Auction.																							
	Town Lands.			Suburban Lands.			Special Country Lands.			Country Lands.			Total sold at auction.	
	Area.	Amount realized.	Average price per acre.	Area.	Amount realized.	Average price per acre.	Area.	Amount realized.	Average price per acre.	Area.	Amount realized.	Average price per acre.	Area.	Amount realized.
	A. R. P.	£ s. d.	£ s. d.	A. R. P.	£ s. d.	£ s. d.	A. R. P.	£ s. d.	£ s. d.	A. R. P.	£ s. d.	£ s. d.	A. R. P.	£ s. d.
Grant	140 2 30	98,449 0 0	703 4 0	988 0 1	15,480 4 11	15 13 4	2,560 0 8	10,700 9 1	4 2 0	35,365 1 18	156,577 14 2	4 6 8	39,054 0 17	281,207 8 2
Bourke	387 1 0	333,353 10 0	861 10 0	7,178 3 8	298,842 11 11	41 10 0	9,628 0 35	50,243 9 0	5 10 0	50,669 2 9	155,504 9 6	3 0 0	67,863 3 12	837,944 0 5
Villiers	77 1 36	5,892 14 0	76 10 0	911 3 15	4,952 15 1	5 6 8	659 1 8	2,585 17 0	3 18 0	25,349 1 30	47,377 17 7	1 15 0	26,998 0 9	60,809 3 8
Dalhousie	67 2 0	7,752 10 0	115 4 0	1,286 2 9	19,936 3 7	15 10 0	4,626 2 18	20,607 1 5	4 8 0	5,408 0 3	18,709 0 2	3 9 0	11,388 2 30	67,004 15 2
Dundas	14 0 0	1,196 0 0	85 5 0	233 2 13	1,406 18 5	6 0 0	—	—	—	—	—	—	247 2 13	2,602 18 5
Follett	13 2 0	374 0 0	28 15 0	337 0 24	3,091 18 0	9 3 0	—	—	—	—	—	—	350 2 24	3,465 18 0
Hampden	43 2 0	1,545 15 0	35 18 0	983 3 13	7,557 18 8	7 13 4	1,282 3 20	5,557 18 8	6 8	4,351 1 20	14,275 2 6	3 5 0	6,661 2 13	28,936 14 10
Anglesea	—	—	—	10 0 0	105 0 0	10 10 0	—	—	—	—	—	—	10 0 0	105 0 0
Normanby	50 1 16	8,415 5 0	168 6 0	2,913 1 5	14,075 12 2	4 16 0	416 0 37	638 4 8	1 10 0	2,069 0 12	4,402 13 3	2 2 0	5,448 3 30	27,531 15 1
Talbot	147 2 0	19,900 1 6	135 7 0	1,550 1 29	3,212 4 11	2 0 0	480 2 18	1,423 9 0	3 0 0	6,345 2 13	12,457 19 4	1 19 0	8,524 0 20	36,993 14 9
Ripon	11 0 0	244 0 0	22 0 0	—	—	—	—	—	—	—	—	—	11 0 0	244 0 0
Polworth	9 0 0	307 10 0	34 2 0	43 2 25	1,089 3 10	25 4 0	72 2 2	232 0 10	3 4 0	3,797 0 20	11,257 18 3	2 19 0	3,922 1 7	12,886 12 11
Grenville	40 3 0	6,920 10 0	173 0 0	684 0 28	13,081 18 2	19 2 0	—	—	—	—	—	—	724 3 28	20,002 8 2
Evelyn	1 2 0	49 0 0	32 13 4	37 2 29	683 6 5	18 10 0	57 1 0	200 7 6	3 10 0	860 0 0	5,020 14 0	5 16 0	956 1 29	5,953 7 11
Mornington	3 2 0	223 0 0	63 0 0	—	—	—	76 0 0	152 0 0	2 0 0	11,762 1 33	23,988 1 10	2 0 0	11,841 3 33	24,363 1 10
Heytsbury	—	—	—	516 2 0	2,250 16 0	4 7 0	—	—	—	5,390 2 24	9,875 2 9	1 16 0	5,907 0 24	12,125 18 9
Un-named Counties	104 0 11	7,182 0 0	69 18 0	1,704 0 19	7,302 12 8	4 6 8	80 0 0	120 0 0	1 10 0	2,320 2 0	3,106 0 0	1 6 8	4,208 2 30	17,710 12 8
	1,111 2 13	491,804 15 6	442 13 0	19,379 2 18	393,069 4 9	20 5 0	19,939 2 26	92,460 17 2	4 12 0	153,689 0 22	462,552 13 4	3 0 0	194,119 3 39	1,439,887 10 9

Counties.	Alienated by Selection.		Alienated under Pre-emptive Right.		Total sold and alienated.	
	Area.	Amount realized.	Area.	Amount realized.	Area.	Amount realized.
	A. R. P.	£ s. d.	A. R. P.	£ s. d.	A. R. P.	£ s. d.
Grant	1,816 1 31	3,483 16 4	8,396 0 32	8,665 16 0	49,266 3 0	293,357 0 6
Bourke	3,635 3 14	12,071 5 3	3,360 0 0	4,496 0 0	74,859 2 26	854,511 5 8
Villiers	10,563 2 4	10,632 7 4	4,480 0 0	4,480 0 0	42,041 2 13	75,921 11 0
Dalhousie	1,247 0 4	3,079 15 0	4,320 0 0	4,320 0 0	16,955 2 34	74,404 10 2
Dundas	—	—	2,560 0 0	2,560 0 0	2,807 2 13	5,162 18 5
Follett	—	—	640 0 0	640 0 0	990 2 24	4,105 18 0
Hampden	80 0 0	284 0 0	8,000 0 0	8,000 0 0	14,741 2 13	37,220 14 10
Anglesea	—	—	1,920 0 0	1,920 0 0	1,930 0 0	2,025 0 0
Normanby	1,399 2 14	1,810 16 6	4,470 0 20	4,571 1 3	11,318 2 24	33,913 12 10
Talbot	2,591 0 30	2,597 17 11	4,480 0 0	4,480 0 0	15,595 1 10	44,071 12 8
Ripon	—	—	1,280 0 0	1,280 0 0	1,291 0 0	1,524 0 0
Polworth	—	—	3,840 0 0	4,320 0 0	7,762 1 7	17,206 12 11
Grenville	—	—	4,480 0 0	4,480 0 0	5,204 3 28	24,482 8 2
Evelyn	439 0 0	643 8 0	2,120 0 0	2,120 0 0	3,515 1 29	8,716 15 11
Mornington	5,138 3 0	6,497 19 0	8,592 0 0	8,989 12 0	25,572 2 33	39,850 12 10
Heytsbury	1,299 0 24	1,299 3 0	1,413 0 0	1,413 0 0	8,619 1 8	14,838 1 9
Un-named Counties	2,851 2 0	2,930 2 0	16,160 0 0	16,160 0 0	23,220 0 30	36,800 14 8
	31,062 0 1	45,330 10 4	80,511 1 12	82,895 9 3	305,693 1 12	1,568,113 10 4

Surveyor General's Office, Melbourne, 26th July 1854.

(Signed) AND. CLARKE, Capt. R.E., Surveyor General.

VICTORIA.

No. 3.

No. 3.

Copy of DESPATCH from Governor Sir Charles Hotham to the Right Hon. Sir George Grey, Bart.

(No. 149.) Toorac, near Melbourne, November 18, 1854.
(Received, February 12, 1855.)

Sir, (Answered, No. 26, March 17, 1855, page 74.)

You are aware that one of the most important and difficult questions which remained unsettled on my assuming charge of this Government was that connected with land, or squatters; and my predecessor has, no doubt, personally informed you, that all hope of effecting a satisfactory arrangement by the course suggested in his Grace the Duke of Newcastle's Despatch*, under date of the 29th November 1853, No. 126, had fallen to the ground.

Pressed on all sides for a decision, and aware that delay only aggravated the evil, I felt that a want of local experience and knowledge rendered me an unfit person to deal with so grave a question.

I have, therefore, thought it advisable to appoint by Royal Commission the gentlemen named in the margin, and directed them to investigate and report upon the whole subject; and I am happy to be able to inform you, that I have reason to know that the Commission is considered to be fairly chosen, and that the measure has met with the approval of the public.

William Foster Stawell (Attorn General).
James Frederick Palmer (Spea of the Legislative Council).
Andrew Clarke (Surveyor Gener
Charles James Griffiths (Presid of Commissioners of Water a Sewerage).
John O'Shanassy, James Ford Strachan, John Pascoe Fawkner, William Nicholson, Wm. Clerk Haines, Charles Bradshaw, William Forlonge, Esqrs. } Memb of th Legisl tive Counc

I have, &c.
(Signed) CHARLES HOTHAM.

The Right Hon.
Sir George Grey, Bart., K.C.B.
&c. &c. &c.

Enclosure in No. 3.

Encl. in No. 3.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c.

To our trusty and well-beloved the Honourable William Foster Stawell, Attorney-General of our Colony of Victoria; the Honourable James Frederick Palmer, Speaker of the Legislative Council of our said Colony; Andrew Clarke, Esquire, Captain of our Corps of Royal Engineers and Surveyor-General of our said Colony; Charles James Griffith, Esquire, President of the Commissioners of Sewerage and Water Supply; and John O'Shanassy, James Ford Strachan, John Pascoe Fawkner, William Nicholson, William Clerk Haines, Charles Bradshaw, and William Forlonge, Esquires, Members of the Legislative Council of our said Colony,

Greeting,

Whereas it is deemed expedient that inquiry should be made into the laws and usages now existing by virtue of which the waste lands of the Crown in our colony of Victoria are occupied, and into the effect thereof upon the settlement and well-being of our said colony; and further, that any alterations in such laws and usages which may seem necessary for the public advantage and convenience should be ascertained, and that the nature and extent of all claims which may have arisen under such laws and usages should be investigated, and such claims adjusted and determined:

Now know ye, that we, confiding much in your fidelity, knowledge, and ability, do by these presents nominate, constitute, and appoint you our trusty and well-beloved William Foster Stawell, James Frederick Palmer, Andrew Clarke, Charles James Griffith, John O'Shanassy, James Ford Strachan, John Pascoe Fawkner, William Nicholson, William Clerk Haines, Charles Bradshaw, and William Forlonge to be our Commissioners for the purposes herein mentioned: And we do by these presents grant unto you full power and authority to inquire into the laws and usages now existing by virtue of which the waste lands of the Crown in our said colony of Victoria are occupied, and into the effect thereof upon the settlement and well-being of our said colony; and further to recommend such alterations in those laws and usages as may seem necessary for the public advantage and convenience; and also to ascertain the nature and extent of all claims which may have arisen under such laws and usages, and the best and most equitable mode of adjusting and determining such claims: And we do by these presents grant unto you our said Commissioners, as far as in us lies, power and authority to call before you such persons by whom you may be the better informed upon the subject of this our Commission, and also to call for, have access to, and examine all such books, documents,

* Vide Papers presented 10th August 1854, page 62.

VICTORIA.

registers, and records as may afford the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever: And for your further assistance in the execution of the premises we do hereby appoint our trusty and well-beloved Travers Adamson, Esquire, to be secretary to this our Commission, whose services you may use from time to time as occasion may require: And we hereby direct and appoint that you do report to us in writing, under your hands and seals, your proceedings, and also your opinions on the subject herein referred to you: And, lastly, we do by these presents ordain that this our Commission shall continue in full force and virtue, and that you our said Commissioners, or any five or more of you, shall and may from time to time proceed in the execution thereof and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

Witness our trusty and well-beloved Sir Charles Hotham, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor of our colony of Victoria, at the Government offices in Melbourne in our said colony, this Second day of November in the year of our Lord one thousand eight hundred and fifty-four and in the eighteenth year of our reign.

(L.S.)

Signed) CHAS. HOTHAM.

By his Excellency's command,

(Signed) JOHN FOSTER,

Entered on record by me in Register of Patents, No. 9, page 12, this Second day of November One thousand eight hundred and fifty-four.

(Signed) JOHN FOSTER.
Colonial Secretary and Registrar.

No. 4.

No. 4.

COPY of DESPATCH from Governor Sir CHARLES HOTHAM to the Right Hon. Sir GEORGE GREY, Bart.

(No. 40.) Toorac, near Melbourne, March 6, 1855.
(Received, May 21, 1855.)

SIR, (Answered, No. 12, August 22, 1855, page 75.)

I DO myself the honour to acknowledge the receipt of your Despatch, No. 40*, of the 22d November 1854, covering an Order of Council of the 18th of October 1854, authorizing, under certain limitations, the assessment of stock for rent, with the opinion of Her Majesty's Attorney and Solicitor General on the legality of empowering the Lieutenant-Governor to alter the division of districts, and informing me that an Act of Parliament will be required to carry into effect the latter scheme.

* Page 71.

In all probability the Act of Parliament will have been obtained before this Despatch reaches you; but, lest that should not have been the case, I deem it my duty to state, that I think the colonists would be ill-satisfied with any measure which did not leave the Lieutenant-Governor free to make such alterations in the districts as may seem to him most advisable, and most beneficial to the interests of the colonists at large.

I have, &c.
(Signed) CHARLES HOTHAM.

The Right Hon.
Sir George Grey, Bart., G.C.B.,
&c. &c. &c.

No. 5.

No. 5.

COPY of DESPATCH from Governor Sir CHARLES HOTHAM to the Right Hon. Sir GEORGE GREY, Bart.

(No. 62.) Toorac, near Melbourne, May 16, 1855.
(Received, August 5, 1855.)

SIR, (Answered, No. 12, August 22, 1855, page 75.)

I DO myself the honour of again calling your attention to a Despatch, No. 40*, of the 6th March 1855, requesting that I may be empowered to make such alterations in the districts of the Crown lands as may seem to me most advisable, and most beneficial to the interests of the colonists at large.

* (see above.)

VICTORIA.

My motive in pressing this matter upon you is, that unless the Governor of this colony is armed with the powers which I desire, any settlement of the grave question of Crown lands will be almost insuperable.

I have, &c.

The Right Hon. (Signed) CHARLES HOTHAM.
Sir George Grey, Bart., G.C.B.,
&c. &c. &c.

No. 6.

No. 6.

Copy of DESPATCH from Governor Sir Charles Hotham to the Right Hon. the Secretary of State.

(No. 78.) Toorac, near Melbourne, June 11, 1855.
(Received, September 6, 1855.)

Sir,

In conformity with the instructions contained in Lord Stanley's Circular Despatch of the 22d March 1845, I have the honour to transmit the accompanying returns; viz.

Enclosures Nos. 1, 2, 3, and 4.

1.* Land sold during the year 1854.
2.* Land reserved or purchased for public uses, or granted without purchase, and miscellaneous information on Crown lands, for the year 1854.
3.* Lands under lease or licence, or subject to quit rents.
4.* Surveyors and surveys.

I have, &c.

The Right Hon. (Signed) CHARLES HOTHAM.
The Secretary of State for the Colonies,
&c. &c. &c.

No. 7.

No. 7.

Copy of DESPATCH from Governor Sir Charles Hotham to the Right Hon. Lord John Russell.

Toorac, near Melbourne, August 9, 1855.
(No. 104.) (Received, November 29, 1855.)
(Answered, No. 48.—Dec. 31, 1855, page 76.)

My Lord,

I have the honour to transmit the Report of the Commission appointed to inquire into the tenure of the waste lands of the Crown in Victoria.

Report.

This Report was presented to me at a very late period of the session. I immediately laid it before the Legislative Council; but the subject was indirectly set aside by the Government sustaining a defeat on a motion of increased taxation, of which an addition to the assessment on stock paid by squatters formed a part.

I deemed it prudent and advisable to allow this important question to stand over until the ensuing session.

I have, &c.

The Right Hon. (Signed) CHARLES HOTHAM.
Lord John Russell, M.P.,
&c. &c. &c.

Enclosure in No. 7.

Encl. in No. 7

Report† of the Commission appointed to inquire into the Tenure of the Waste Lands of the Crown.

To his Excellency Sir Charles Hotham, Knight Commander of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Colony of Victoria and Vice-Admiral of the same.

We, Her Majesty's Commissioners for inquiry into the tenure of Crown lands in the colony of Victoria, beg leave to present to your Excellency the following Report:—

Conformably with the tenor of Her Majesty's Commission we commenced our inquiry with "the laws and usages now existing, by virtue of which the waste lands of the Crown in the colony of Victoria are occupied."

* These Returns being very voluminous are not printed.
† The Minutes of Evidence and Appendix to this Report being very voluminous are omitted.

VICTORIA.

2. The existing tenure of Crown lands in Victoria had its origin in the period preceding the colonial independence of the province, and the elements of the present inquiry are accordingly comprised for the most part in records common to Victoria and New South Wales. The history of the waste lands occupation embraces two successive systems, distinguished by a transition from executive to legislative regulation, and the substitution of an administrative scheme constructed by the Imperial Parliament for the management of the local Government. The earlier system formally ceased with the enactment of the Statute 9 and 10 Victoria c. 104., and the issue of the succeeding Order in Council. The second was created by that Statute.

3. It is desirable to explain and illustrate the policy which dictated the intervention of the Imperial Parliament. It will be necessary, therefore, for the sake of clearness, to sketch from its origin the occupation of the waste lands of the Crown, with the subsequent development and modification of the system during the former of the periods above referred to, and then to describe its eventual form at the close of that period. This is the more expedient, since the existing pastoral tenure is variously referred for its basis to the Imperial Statute on the one hand, and on the other to a provisional quasi-retention of the previous system pending or in default of the complete establishment of the new. It will also appear that the mutual rights of the occupants, as distinguished from the common rights of the class, are founded in that period, and depend in most instances upon early usage, as the basis of the territorial division, a basis recognised though not instituted by the order emanating from the Statute itself.

4. The waste lands of the Crown in New South Wales, the management of which was as yet reposed in the local executive, were distinguished as the lands "within" and those "without the boundaries of location allotted to settlers;" an ill-defined expression, but one which occurs in several local statutes and records. As will be seen, it presupposes a survey, and is interpreted by Sir G. Gipps in one of his despatches as implying the establishment of measured counties.

See Paper ordered by the House of Commons to be printed, 1st May 1845, p. 3.

5. The administration of waste lands within, and that of those without the boundaries was essentially different, and were the subject of various Government regulations.

6. The occupation of the Crown lands within the boundaries of location was the subject in particular of two principal notices in the New South Wales Gazette, those of the 1st August 1831 and of the 21st August 1841. The general purport of these notices was the same, both prescribing, with a slight difference in detail, a system of yearly leases or licences for purposes exclusively pastoral. The lands were to be let in sections of one square mile. The lease or licence was obtainable by auction alone, and was at all times defeasible upon one month's notice for the purpose of public sale.

7. Although a located district, in the sense above explained, existed in Port Phillip at an earlier period of its settlement, the regulations appear to have remained to a great extent inoperative in that province. Sir G. Gipps, in a note to the despatch already mentioned, notices and in part accounts for this circumstance. Distinguishing in point of administration between the located and unlocated districts, he says, "in the new "counties, however, a mixed system to a certain extent prevails, because the squatters had "already possession of lands in them before the counties were laid out. These new "counties are Bourke, Grant, and Normanby, in the Port Phillip District * * *" Mr. La Trobe, also in a Gazette notice of the year 1849, adverts to "the impossibility of clearly defining what the term 'boundary of location' in this district" (*i.e.* the Port Phillip District) "may mean." These regulations, then, affecting the located territory of New South Wales, were at all times imperfectly applied to the Port Phillip District. They were finally, as we shall see, superseded by the Order in Council of the 7th March 1847, and formally cancelled by the Governor of New South Wales, in a notice dated 29th March 1848, having reference to the settled districts.

8. The mode of occupation beyond the limits of location was different. The practice of squatting, as it is termed, upon the Crown lands was the offspring of an economic exigency, and the supplement, as it were, of the located occupation. Pastoral pursuits were originally prosecuted upon granted or purchased land, with the addition of such waste lands as lay within the boundaries, and were therefore available for lease under the regulations before mentioned. But the vast extent of territory in New South Wales proper alienated from the Crown by grant or purchase was closed against new settlers, while the leases of unpurchased lands, limited in comparative extent, and open to the competition of proprietors established in the vicinity, or inferior in quality, as being the refuse after copious selections, presented fewer attractions to enterprise. The increasing demand for space, soon outstripping the march of legitimate settlement and all practicable progress of Government survey, took the natural direction of the unlocated Crown lands. These were rapidly occupied for pastoral purposes, and far in advance of settled institutions, by persons who were termed, through an imperfect analogy derived from America, "squatters." The "runs," or portions of the country severally appropriated by them were, to use the words of Sir G. Gipps, "limited only by their own moderation, or by the pressure of other squatters on them." "When a new district," says Mr. Edward Hamilton, "is opened by some enterprising colonists, there is a general rush for 'runs.' "The first comer takes a bird's eye view of an extensive and well watered valley, and "without any reference to the extent required for his stock, he says, 'this is my run.' "The next follows his example, and in a short time the whole district is parcelled out."

See Papers ordered by the House of Commons to be printed, 1st May 1845, p. 4.

Ibid. p. 42.

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Again, in a proclamation of the Governor, dated May 21st, 1839, the act of encroaching on "any station previously occupied" is described as "contrary to the established usage of the colony;" expressions all strongly illustrating the fortuitous and irregular character of that territorial apportionment which was effected by the pre-occupation or mutual concessions of the squatters themselves. We find, accordingly, that the practice of squatting is of earlier date than any executive regulation or legislative enactment applicable to Crown lands beyond the boundaries. The spontaneous growth, in the first instance, of private adventure, it had begun fairly to take rank as part of the pastoral system, when about the year 1835 it attracted the notice of the Government and local legislature. It was then surmised that the unauthorized occupation of the unlocated waste lands might prove derogatory to the rights of the Crown, and fears were entertained lest permissive and uninterrupted possession might, after a long course of years, be construed as a recognition of the absolute proprietorship of the occupant. The social bearing of the question challenged no less concern. Their enterprise had led the squatters to regions which the supremacy of the law yet failed to reach, and where the supervision of the civil magistrate was unknown.

New South Wales Government Gazette 22d May 1839.

9. It became necessary, therefore, at once to extend protection to the subjects and to vindicate the rights of the Crown. The Government, representing the universal proprietor of the unlocated lands, proceeded to impose upon the squatters the payment of a nominal rent reserved upon a yearly lease. This, owing to practical considerations, was soon commuted into a nominal fee payable yearly upon an occupation licence; an impost which was rather the formal badge of Royal proprietorship than the adjusted price of an appropriated natural agent. In the words of a Committee of the Legislative Council of New South Wales, in the year 1844, "the licence fee was never intended as a payment for the use of "the land, but merely as a certificate of character, and a recognition of the precarious "nature of the title of the occupant." The legislature, on the other hand, by various statutes, armed the executive with full power to enforce personally this symbol of tenure, and resist encroachments as well as to decide disputes, and provide for the peace of the unlocated districts. Then it was that Crown Land Commissioners, with magisterial functions, were first appointed, and that successive Government regulations were issued, of which we shall notice such as are material to the present inquiry.

See Papers ordered by the House of Commons to be printed, 12th June 1846, p. 15.

10. It remains to observe that Crown lands were also, in some instances, occupied in small portions for non-pastoral purposes and on similar conditions.

11. Told in general terms, such was the origin and such the early history of the squatting system in New South Wales. Founded rather in default of laws applicable to the subject than in contravention of any, subsequently recognized and regulated by local statutes and regulations, it constituted a general tenure of Crown lands strictly provisional, while the title conferred upon the individual occupants was entirely at the sufferance and discretion of the representative of the Crown.

12. Having thus sketched the origin and principal features of the system, it remains for us to describe the ultimate form which the squatting tenure had assumed when legislative restrictions limited the administrative power of the Crown, and to refer to the circumstances attendant on the intervention of Parliament.

12. A notice, published in the New South Wales Gazette, and dated 21st May 1839, though modified by subsequent regulations, contains the basis of what we will call the prestatutory system. Its general effect was as follows:—The right was granted to individuals of depasturing waste lands of the Crown beyond the boundaries, under licence obtainable upon the approval of the Crown Land Commissioner of the district; an officer nominated by the Governor. This licence was in force for a year, and was issued, without reference to the extent occupied, upon payment of an uniform fee of 10*l.* Separate licences were required for separate stations, with exemption, however, where the stations comprised were situated in the same or in contiguous districts, from distinct payments in respect of each. Renewal of the licence was accorded to the licensee in possession, subject to the recommendation of the Commissioner; a condition which was waived by a notice appearing in the following year;—while the licensee was liable to dispossession at all times, for the purpose of public sale, at the discretion of the Government, and without compensation for improvements effected by him.

14. Subject to the changes introduced in 1844 by Sir G. Gipps, then the Governor of New South Wales, the relation of the squatters to the Government remained till the proclamation of the Imperial Statute such as we have thus described it. The regulations of Sir George Gipps are comprised in a notice dated the 2d of April, 1844 by which it was notified that after the 1st of July 1845 a distinct fee of 10*l.* would be exacted in respect of each separate station or run occupied, whether in the same or in contiguous districts; and that a separate station should, for the purposes of the notice, be deemed to be such as was situated at a distance greater than seven miles from another station occupied by the same party, or a station whose capabilities were adequate to sustain 4,000 sheep or 500 head of cattle, or an equivalent mixed herd, being of an area of not more than twenty square miles; an extent which, in the case of inferior stations, might be enlarged, on the recommendation of the Commissioner, to the limit of capability above mentioned. All excess in capability or area above the prescribed limit was to be deemed a separate station or stations, by a reference to the same standard, and payment to be made accordingly.

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Despatch dated 20th June 1841. *See* Papers ordered by the House of Commons to be printed 20 April 1844, No. 180, p. 7.

15. As we shall see, these regulations were associated in the same scheme with other propositions for reform, and as well of their own proper effect, and by the principle involved, as by the agitation to which they gave rise, became introductory of an improved pastoral policy. Some years before a suggestion had been made by Lord John Russell, then Secretary of State for the Colonies, that the licence-fee might advantageously be increased, with reference to the benefit received. The proposition involved not more an alteration in the mere amount of payment than a radical change in the administration of the waste lands. The fee had hitherto been, as before remarked, simply a badge of tenure, conceived without reference to reciprocity of benefit, or to any estimate of the advantages conceded; it was the source of an insignificant revenue, and the symbol of an arrangement by which, while the ultimate and proprietary rights of the Crown were vindicated, its usufructuary interest was waived. Among other defects was the inequality of its incidence. The pastoral class comprised not only stockholders whose flocks were large and whose runs were extensive, but also small proprietors, upon whom the payment weighed more heavily; and the 10*l.* licence-fee varied in its pressure inversely as the benefit derived, tending to become a peppercorn or a rack rent, as the perception of advantage by the payer was greater or less.

16. It was now proposed that the amount of payment should in some degree be made to depend upon the relative value of the occupation; and this policy, suggested by Lord John Russell, was first adopted in practice by the regulations of Sir George Gipps. Accordingly, as described above, they are found to involve the principle of an agistment, and to be based on the adoption of capability and area as the standard of estimated value.

17. Although salutary in itself and moderate, the reform justly suggested to the pastoral interest a sense of its precarious position. The power of dispossession was inseparable from that of unlimited exaction, yet both undoubtedly resided in the Government. The regulations were a revived assertion and illustration of the latter power. A principle had intervened, of which the application might be infinitely oppressive; and a well-founded conviction of the necessity for extended and reciprocal reform now arose. In truth, while one correct principle had been promulgated, the welfare of the colony and the importance of pastoral pursuits called for a general and systematic change; for the squatting system, seen from the point of view of the occupants, contained in this, its last amended form, serious economic and social defects, the fruits of its anomalous and irregular institution. Of these defects the chief was, as we have hinted, the uncertain nature of the tenure. The squatter, with the concurrence of the local Government, had, to use the words of Sir George Gipps, "an exclusive right of possession for an indefinite "period against all intruders, and," he adds, "good even against the Crown itself, for the "period of a year." Now this right was open to two qualifying circumstances, the liability to dispossession in favour of the purchaser at auction, and the right inherent in the local representative of the Crown, at the close at all events of each year, to remove the occupant, and to resume the run, either by the imposition of a ruinous payment, or by the actual and arbitrary revocation of the licence. While the latter right was regarded with just suspicion, no jealousy existed of the right of alienation by sale, save in the single particular of improvements. That right, unlike the other, was incapable of arbitrary or capricious exercise, since a strict limit to the extent to which it was possible to alienate land at any time was prescribed by the state of the public demand, and the existence of a high upset price; and it is observable accordingly that at the time of which we have been treating, amidst much agitation and remonstrance, the site of permanent improvements alone was sought to be secured, and the exclusion of the general purchaser, whose claims had not then come to be regarded as adverse, was no part of the redress sought by those representing the pastoral interest.

See Papers ordered by the House of Commons to be printed, 12th June 1846, p. 12.

18. But what was loudly deprecated by that class, and formed a most just ground of complaint, was the liability, which we have mentioned, of the licensed occupant to dispossession, not for public sale by auction, but as a simple act of resumption, to be effected at the discretion of the Governor; a discretion for the proper exercise of which no security existed.

19. The tenure of permanent improvements made on Crown lands by the occupants was still less satisfactory, from their immoveable and inconvertible character. Not only was it precarious in common with that of the rest of the run, but it was also, in case of sales, threatened by a competition which such improvements were eminently calculated to provoke. Few, in consequence, were disposed to undertake an expenditure of which they might be denied the fruits; and the squatters remained content with temporary and unsubstantial appliances.

20. The result of this state of things would be, economically, an inferior degree of productiveness as to the staple of the colony; and, morally, much prejudice to a society, to which, remote in many parts from civilization and the supremacy of the law, the arts of a settled life and domestic ties were almost unknown.

21. The praise of initiating a policy remedial of these evils, as well as the authorship of that lesser change in the terms of occupation before adverted to, belongs to Sir G. Gipps. In the same despatch which announced the latter measure, proposals were transmitted to the Secretary of State, the general principle of which was, a recognition of the licensed occupant's property in his permanent improvements, and an approach to the right of pre-

See Papers ordered by the House of Commons to be printed 1st May 1845.

emption, the utmost possible in the existing state of the law. These proposals were promulgated, and with the precedent regulations, alike introductory of an altered system, naturally fixed the attention of a pastoral community. The whole question of the "Crown lands grievances," as they were termed, was referred by the Legislative Council to a select committee. A violent controversy arose out of doors, and the extant speeches and correspondence of the day, as well as the comments of the public press, evince the ample discussion which this absorbing topic received. From the mass of theories propounded and claims insisted upon, not without mutual contradiction, there were evolved two principles, the soundness of which was by common consent recognized in the colony, and endorsed by the authorities at home, as tending to a fair solution of the pastoral difficulty. These principles, which embrace the main policy of the subsequent legislation, were, the right of pre-emption, as a security for permanent improvements, and the guarantee by Parliamentary intervention of the right to depasture, on ascertainable terms and for a limited time, the waste lands of the Crown.

Appointed 30th May 1844.

22. Without anticipating what will be found hereafter to have been the literal construction or acquired force of the Imperial Act or the Order in Council, we repeat that during the agitation which preceded and indicated the adoption of the policy referred to, and which may therefore fairly be taken to throw light upon it, protection against the general purchaser at auction formed no part of the demands of those in the pastoral interest, who, while impugning in detail regulations most distasteful to them, and with the whole question opened up, insisted on no reform in that regulation which preserved unimpaired the right of the Crown to sell at any time the land composing their runs, save with reference to permanent improvements alone; which is not surprising, when it is plain that the real danger was not the legitimate absorption of Crown land by the purchasing demand of the public, a process in the general case gradual and innocuous, but the arbitrary administration of the Government, independently of the public demand altogether, and of which the reform of Sir G. Gipps, then recent, was regarded as an alarming example.

23. Such, gathered from the numerous records of the day, were the causes which led to the intervention of the Imperial Parliament in the management of the waste lands of the Crown; and such was the general policy of the Act 9 and 10 Vict. c. 104., and of the Order in Council of March 1847, as well as the subsequent orders.

The statutory foundation of the new system is found in the 1st, 6th, and 10th sections of the Imperial Act, 9 and 10 Vict. c. 104. The remaining sections contain provisions rather ancillary than essential. We therefore simply refer to the latter, whilst the former, involving the main features of the reform, and the germ of all subsequent controversy, demand more detailed consideration.

25. The first section, after reciting the Imperial Land Sales Act, empowers Her Majesty "to demise for any term of years not exceeding fourteen, to any person or persons, any waste lands of the Crown in the colony of New South Wales, or to grant to any person or persons a licence for the occupation for any term of years not exceeding fourteen of any waste lands of the Crown, and to reserve upon such demise or licence any such rent or pecuniary or other service, and to insert therein such conditions and clauses of forfeiture, as shall in manner therein-after mentioned be prescribed and authorized, anything in the recited Act to the contrary notwithstanding; provided always, that every such demise or licence shall be made or granted subject to the rules and regulations therein-after provided for." The sixth section empowers Her Majesty "by any Order or Orders in Council to make and establish all such rules and regulations as to Her Majesty shall seem meet"—"respecting the more effectually making demises or licences for the term aforesaid of any "such waste lands as aforesaid, and respecting the reservation on such demises or licences "of any such rents or other pecuniary services, and respecting the insertion therein of such "conditions and clauses of forfeiture as aforesaid, and respecting the division of the said "colonies into districts, within which alone such demises or licences may be made to take "effect, and respecting the renewal of any such demises or licences, and respecting the con-"flicting claims of different persons to obtain any such demise or license, and respecting "any right of pre-emption which it may be proper to give to the holders of any such demise "or license, and respecting the forfeiture of any such demise or license on the conviction of "any holders thereof of certain offences in any such colony, and respecting any other "matters and things which may be requisite, either for carrying into more complete effect "the occupation in manner aforesaid of such waste lands as aforesaid, or for preventing the "abuses incident thereto, and any such rules and regulations again to repeal, renew, "alter, and amend," and enacts "that all such Orders in Council shall have the force and "effect of law in the colonies aforesaid." "Provided always, that nothing therein "contained shall be construed to authorize the sale of any waste lands in the said colonies "otherwise than in conformity with the provisions of the said Act, except to persons who "shall be in actual possession thereof under such demise or licence as aforesaid, or to "authorize the sale of any such lands for a lower price than a minimum price at that time "established therein by the authority of the recited Act: Provided also, that all such "Orders in Council shall be laid before Parliament within one month from the day of the "date thereof respectively, if Parliament shall then be in session, or if not, then within "one month next after the commencement of the then next ensuing session of Parliament, "and that no such order repealing, renewing, altering, or amending any such former "order shall be of any force or effect till the lapse of six months next after such

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"repealing, renewing, altering, or amending order shall have been so laid before "Parliament; and that all such Orders in Council shall be published forthwith in the "London Gazette." The tenth section empowers Her Majesty "by any such Order in "Council as aforesaid, to delegate to the Governor of any of the colonies aforesaid (on "such conditions as Her Majesty shall see fit to impose) all or any of the powers thereby "vested in Her Majesty, save only so far as respects the powers so to be exercised by Her "Majesty as aforesaid by and with the advice of Her Privy Council."

26. Although the tenure created by the Order in Council will be more conveniently discussed in connection with that order from which it derived its special form, the review of a portion of the sections quoted above, taken separately, has suggested to us the preliminary question, whether the power of reserving and determining the amount of rent upon any demise or licence, vested in Her Majesty by the first section, is capable of delegation to the Governor, reference being had to the sixth and tenth sections; and whether, therefore, the prescription to the Governor of a maximum or minimum limit merely would satisfy the law, or whether the above power is such as can only, in accordance with the former section, be exercised by Her Majesty, with the advice of the Privy Council, and such therefore as may not under the tenth section be delegated to the Governor of the colony, but must be exercised definitively and absolutely.

27. The decision of this question depends upon the construction of the words "such rent" "as shall in manner herein-after mentioned" (i.e. in the sixth section) "be prescribed "and authorized," compared with the words of the sixth section "respecting the reser-"vation on such demises or licenses of any such rents." And viewing the construction in the light of authority, we observe that the word "respecting" is the same which in the succeeding sentence is applied to "the insertion of conditions and clauses of forfeiture, &c.," "which also must under the first section be such "as shall in manner therein-after men-"tioned be prescribed and authorized." Now the construction which in the latter instance these words have in fact received is shown by an Order of Her Majesty in Council, dated the 18th July 1849, to which we shall hereafter refer in its proper place. At present it is material to remark that the effect of that order is to prescribe to the Governor in the insertion of conditions a general principle, and to delegate to him the full power of varied regulation consistent with the scope and limit of that principle. An Order in Council, also dated 18th October 1851, and recently received, is of the same significance. The effect of this order is to delegate to the Governor full power to determine as well the amount of rent as its mode of assessment upon pastoral leases.

28. These instances evince the construction, whether correct or incorrect, which has been put by Her Majesty's advisers upon the language of the Act now under consideration. We do not yet discuss the question whether in fact Her Majesty has, in the order of March 1847, delegated to the Governor the particular power of adjusting, either absolutely or within certain limits, the amount of rent payable; but the correct opinion appears to be, that this delegation may lawfully be made. Nor is there anything in the words used which is inconsistent with the view thus fortified by authority. The words "prescribed "and authorized" in manner herein-after mentioned, refer, as we have stated, to the sixth section; they are such in themselves as would be satisfied by the institution of a limit within or beyond which discretion should exist. The word "prescribed," not in itself absolutely definitive, is associated with the word "authorized," of greater latitude, and undoubtedly of permissive signification. The importance of determining the above question will appear on consideration of the Order in Council about to be mentioned.

29. The first of the orders provided for by the Imperial Statute was made by Her Majesty in Council on the 9th March 1847, and according to its tenor, assumed, from the 7th October 1847, the day of its publication in the colony, the force and effect of law.

This order deals exclusively with the application of Crown lands to pastoral purposes. Dismissing with a simple reference the text which involves some detail, we propose to cite the order according to its effect, and to set forth those more prominent provisions which contain the essence of the system of tenure now inaugurated.

30. The first section of the first chapter provides for the division of the colony into the unsettled, intermediate, and settled districts, to be impressed each with a certain character with reference to security of tenure. This division does not seem *à priori* to have been dictated by sound policy; it was a fortuitous and experimental distribution. The number and relation of the districts was assumed, and a rude and arbitrary classification instituted, upon no apparent principle. Not only, however, the conception, but the application, as developed in the succeeding section, and in a subsequent order of local effect, seems to have been inappropriate and improvident. The settled district, as will shortly appear, was the only land in Port Phillip to be at any given time at the unqualified disposition of the Government. In the reservation for this purpose of a narrow strip along the seaboard, and of a limited district within a fixed radius of the seaport towns, with the single addition of a small portion upon the River Glenelg, the probable progress and character of settlement was overlooked. Recent events, it is true, are not to be taken as falsifying a calculation of which they were not amongst the data, and which was made with no suspicion of their possible occurrence; but it appears to have been an error, even before the discovery of gold, to suppose that centres of population would not naturally tend to arise in favourable situations throughout the interior. Kilmore and Kyneton, in the Western Port District, Sale, in Gipps Land, and Colac and Hamilton in the district of

Portland Bay, are instances of internal settlement, either preceding or independent altogether of the gold discoveries; and the River Murray, the navigation of which, so far from being advanced, is stated to have been rather retarded by that event, promised a new base for settlement, and in a manner a new seaboard. But if the territorial division was inappropriate at the time when it was made, subsequent events rendered it, with the superstructure of regulations raised upon it, altogether inapplicable. This will be more fully evinced by the consideration of the succeeding chapters of the order, which may be said to contain the definition, as the chapter already treated of contains the description, of the three classes of land, and from which the latter chapter, as the basis of all, is separable only for the purpose of the above general comment.

31. The second, third, and fourth chapters of the order prescribe severally the rules applicable to the three classes of unsettled, intermediate, and settled lands.

All (with some exception as to the settled lands) contemplated leases of Crown lands for pastoral purposes in the three several districts. The systems, however applicable to the first and second classes,—in which, to use the words of the order, "the interest in runs shall," with certain exceptions, "be acquired, held, and determined upon the same "terms and conditions,"—are both essentially different from that applicable to the settled class, as founded on the order, and the regulations subsequently promulgated.

32. Commencing, therefore, with the unsettled and intermediate lands, it will be convenient to state, in the first instance, those exceptional points in which the regulations laid down for those districts differ; and it will be borne in mind that, subject to these, the systems established for each are identical. The first is, the maximum duration of the lease for pastoral purposes, being fourteen years in the unsettled and eight years in the intermediate district. The second is, the power vested in the Governor, as regards a lease in the intermediate district, to sell the land at the close of each year, on giving sixty days' notice, subject to the incidents of the expiration of a lease of unsettled lands. The lease of intermediate lands, in a word, differs from that of unsettled, in possible duration and in periodical defeasibility upon notice, in whole or in part, for purposes of sale, the same incidents attaching to a lease thus defeated as to an expired lease of unsettled lands.

33. By the first section of chapter 2. the Governor is empowered to grant leases of runs in the unsettled districts "for any term or terms of years not exceeding fourteen," for pastoral purposes, "to such persons as he shall think fit." Cultivation is prohibited, save for private use, and a right of entry reserved to the Governor, with reference to the provisions of the ninth section, to be presently set forth. In the intermediate district the leasing power of the Governor is limited by the succeeding chapter, as has been said, to leases "of not more than eight years in duration."

34. The rent is regulated by the second, third, fourth, and fifth sections, being proportioned by the grazing capabilities of the land occupied, for the satisfactory estimate of which a method of arbitration is provided. No run is to be estimated for purposes of rent as adequate to sustain less than 4,000 sheep or an equivalent number of cattle, according to an ascertained scale; nor, it is provided, shall "any run be let at a lower "rent than ten pounds per annum, to which two pounds ten shillings shall be added for "every additional thousand sheep or equivalent number of cattle which the run shall be "estimated as capable of carrying." The rent in question is to be exclusive of all assessments upon stock levied by the authority of the colonial legislature; it is payable in advance, and the forfeiture of the lease is the penalty provided for nonpayment after the brief interval of indulgence specified.

35. The sixth, seventh, and eighth sections relate to the sale of land pending the lease. During its continuance the lands comprised are "not to be open to purchase by any other person or persons except the lessee thereof,"—a provision, as we have seen, varied by a special clause in the case of the intermediate class. The Governor, however, in both classes, is empowered to sell any portion to the lessee, above a prescribed limit of extent, at not less than the upset price as fixed by law. This power is qualified by certain detailed conditions as to the survey, site, and conformation of the lots. A principle of action is prescribed to the Governor in dealing with such lands as might confer upon the possessor an undue command of water to the prejudice of others, or such as it may appear expedient to reserve for the public purposes enumerated in the Imperial Land Sales Act; and provision is made in certain cases for the settlement of the price by arbitration.

36. The ninth and tenth sections qualify the lessee's right of exclusive possession as against certain modes of disposition. It is provided, "that nothing in the regulations, or "in any lease to be granted under the powers thereby vested in the Governor, shall "prevent the said Governor" "from making grants or sales of any lands within the "limits of the run or lands comprised in such lease for public purposes, or disposing of, "in such other manner as for the public interest may seem best, such lands as may be "required for the sites of churches, schools, or parsonages, or for the construction of "high roads or railways and railway stations, or other internal communications, whether "by land or water, or for the use or benefit of the aboriginal inhabitants of the country, "or for public buildings, or as places for the interment of the dead, or places for the "recreation and amusement of the inhabitants of any town or village, or as the sites of "public quays or landing places on the sea coast or shores of navigable streams, or for

"the purpose of sinking shafts and digging for coals, iron, copper, lead, or other "minerals, and effectually working coal, or iron, or copper, lead, or other minerals, or for "any other purpose of public defence, safety, utility, convenience, or enjoyment, or for "otherwise facilitating the improvement and settlement of the colony." A limit is set to land to be granted for railway purposes; and it is provided that on the formation of a railway the land within two miles thereof shall partake of all the incidents of intermediate land.

37. The eleventh section defines the rights of the existing occupants. It runs thus:—"All occupants of Crown lands who shall have been in licensed occupation of the same "for at least one year at the time when this Order in Council shall come into effect are "to be entitled to demand leases of their respective runs under the present regulations, "within six months from the date of the publication of this Order in Council by the "Governor or other officer administering the Government of the said colony, but not "afterwards" [which publication, in fact, took place upon the 7th of October 1847]; "and all occupants who have been in licensed occupation of their lands for a shorter "period than the term of one year shall be entitled, upon the expiration of the same "term of one year without having forfeited their respective licences, to demand leases of "their respective runs, under the regulations therein contained; provided such lease "shall be lawfully demanded within six months after the expiration of the said term of "one year, but not afterwards."

38. The twelfth and thirteenth sections relate to the acquisition of leases for forfeited or vacant and for new runs, prescribing a mode of application for leases by sealed tender. The fourteenth section provides for the forfeiture of the lease by nonpayment of rent or the misconduct of the lessee.

39. The fifteenth section empowers the Governor of the colony "upon the expiration "of a lease to put up all or any part of the lands included in a run for sale, subject to "the following conditions:—

"First. The previous lessee shall have the option of purchasing the land for its fair "value in an unimproved state, which shall never be estimated at less than 1*l.* "per acre.

"Second. If declined by the previous lessee, the value of any improvements on "the land offered for sale shall be ascertained by valuers appointed under the "provisions contained in section three of the second chapter of this Order in "Council: Provided nevertheless, that the sum so to be estimated and allowed "for is in no case to exceed the amount of the actual outlay made by the lessee.

"Third. The upset price shall then consist of the joint value of the land and the "improvements, and if the land be sold the amount of the improvements shall "be paid over to the previous lessee, and only the balance retained by the "Government."

40. The sixteenth section gives the lessee a right of renewal, on certain terms, and subject to be defeated on certain contingencies. It is as follows:—"If no part of the "run be sold, the previous lessee shall be entitled to a renewal of the lease of the whole, "or if any part of the run, not amounting in all to one equal fourth thereof, be sold, such "lessee shall be entitled to a renewal of the lease for the remaining parts of the lands "comprised in his run, subject to the reservation of an increased rent described in the "next herein-after following section of these rules and regulations; and provided "nevertheless, that the boundaries of the different classes of land in the colony shall "not in the meanwhile have been so far extended as to bring the said run within the "class of settled lands; and provided also, that if brought within the class of inter-"mediate lands the lessee shall only obtain a renewed lease of the said run under the "rules herein-after laid down as applicable to that class of lands."

41. And the seventeenth section provides for a readjustment of rent upon a new lease.

42. Chapter 4. relates to the administration of the settled districts, and empowers the Governor "to grant leases of lands exclusively for pastoral purposes, for terms not "exceeding one year; and if he deem it expedient to make general rules under which the "holders of purchased lands within the districts of settled lands may be permitted to "depasture, free of charge any adjacent Crown lands: Provided that the depasturage "of such unsettled lands free of charge shall in no way interfere with the right of the "Government at any time to dispose of the same, either by sale, or by lease for one year, "as above mentioned."

43. It seemed desirable to abstain from encumbering with details the preceding abstract of the Order in Council of 1847, which is to be found at large in its proper place. It will be seen, however, that the provisions about which any dispute exists have been cited in the precise words of the text. The several clauses which comprise these provisions would seem to be sufficiently unequivocal, as well in the popular as in the legal sense, yet a singular amount of dissent has prevailed in their construction. The points in debate relate chiefly to the unsettled and intermediate lands, and arise in connexion with the following subjects:—

1. The duration of leases demandable under the eleventh section by the existing occupants of Crown lands.
2. The amount of rent which may lawfully be reserved by the Governor.
3. The right of pre-emption pending the lease or on its expiration.

44. We will state our interpretation of the language employed upon these subjects.

45. That the periods of eight and fourteen years respectively are prescribed as maximum terms for all applicants within which the Governor may exercise a discretion as to the number of years seems to admit in point of legal construction of no doubt.

46. It also appears to us, that as Her Majesty, according to what we have seen, might lawfully delegate to the Governor the power of stating a rent, within certain limits, so this has in fact been done by the words of the second section of chapter 2., which provide that no run shall "in any case be let at a lower rent than" the sum therein specified; leaving as an inference all excess over that sum indeterminate and discretionary.

47. As regards the right of pre-emption, it will be seen, that although empowered to sell to the lessee during the currency of the lease, or upon its expiration to expose for sale generally, subject to the pre-emptive right of the lessee, any portion of the land comprised, the Governor is not constrained to adopt either course; nor can the preferable right of the lessee whose lease has expired be deemed to be indefinitely perpetuated until the future contingency of a sale is realised.

48. It may be assumed that the existing occupants generally complied with the requirements of the section under which they are entitled to demand leases. But since, as has been seen, a discretion within the prescribed limit is left to the Governor, who is in no way bound by the law to accord to the applicant a lease for the full term demanded, it becomes necessary to consider whether the limit which has in fact been indicated by the applicants generally has been accepted as definitive by the local authority. And here it is to be observed, that the burden of proof rests with those who maintain that this has been done. It is urged accordingly, that the assent of the Government to the specific demands of the licensees, which has never been expressly intimated, is fairly to be inferred from the subsequent acquiescence in their continued occupation after those demands were made. It is assumed that some period of time during which dissent should have been signified has been pretermitted, when the interest of the applicant, before indeterminate, became, as it were, vested; that the subject, matured in all other respects, waited only the declaration of the term; and that an implied contract arose out of proposals on the one side, not followed by immediate rejection on the other.

49. No weight is to be attached to a rejoinder of a technical nature which is sometimes made to the above argument. It is said that the Crown cannot be bound but by express words. It is needless to point out how unsatisfactory such a solution of this question must be, and we can by no means adopt it. But we will state our reasons for dissenting from the inference proposed. It is well known that practical and physical difficulties were opposed to the issue of the pastoral leases. "It will be impossible," so runs the Proclamation of the 7th October 1847, "that the issue of leases should take place "immediately on demands being made for them. In many cases the Government may "not be able until the end of the year 1848 to determine whether the particular runs "applied for will be included in the intermediate or unsettled districts." Other obstacles are enumerated, all of a precedent character, which would postpone the issue of the leases for some time. Nor had these obstacles disappeared at the close of the year 1848. The interval between that time and the commencement of the year 1851 was employed in the decision of disputed boundaries, and in attempts to facilitate the surveys which were essential to the issue of leases, but which were beset with difficulties. About this latter period, to use the words of Mr. La Trobe, it became "evident that a considerable time "must still elapse before leases could issue, even under the most favourable circumstances." It was not long, however, nor had the difficulties in question disappeared, before the Lieutenant-Governor, aware of an impending exigency, declared himself upon the subject of pastoral leases. In an answer to an address presented to him on the subject by the Legislative Council, Mr. La Trobe intimates that no issue of leases could for the present be made, and professes his intention of referring the whole question for the consideration of Her Majesty's Government.

50. Now it cannot be affirmed that the equitable right once acquired by the intending lessee to a lease of determinate duration is to be affected by delay in the issue of the legal instrument. What requires proof is, that the term, whether legal or equitable, was ever really adopted. And as to the question of tacit acquiescence, there was no reason, à priori, why the adoption of any specific term should precede the insertion of ascertained boundaries, which are equally of the essence of the lease; or why a delay which kept open the question of extent, should close that of duration, a question unnecessary to be considered until all the materials for the instrument were in the hands of the Government. No inference in the sense referred to can, we repeat, be drawn from the permissive occupation of the claimants, pending a delay which must be accounted for upon special and different grounds.

51. It has been further argued, however, that an implied adoption of the extreme limit of fourteen and eight years respectively is to be found in certain proclamations of the Colonial Government; and those of the 7th October 1847 and of the 1st of January 1848 are cited in this sense. The former proclamation was necessarily antecedent to all applications for leases, as it was of the same date with that which published Her Majesty's Order in Council. Upon the point of duration, it is so far from indicating a definite term, that it is conclusive in proof of the fact that no acquiescence in any demanded term could take place until the close of 1848, when for the first time the unsettled could be known from the intermediate district. The latter proclamation has the following words:

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"Any licensed occupant who, after having demanded his lease, may desire to part with "his interest in the same, will be allowed to have the lease made out in favour of any "person recommended," &c., upon which reliance is also placed, as evincing an adoption of the term demanded. This sentence is open to a similar remark. The uncertainty as to the district in which the run would ultimately be situated makes it impossible to construe the words in question as any recognition of a right to a term certain.

52. It is urged, however, that it was the intention of the Imperial Government that the maximum term should in every instance be accorded; and it is proper to consider an expression of Earl Grey, so often cited by the advocates of this view. The expression occurs in a Despatch to the Governor of New South Wales, dated the 29th November 1846, and enclosing a draft of certain orders which it was then proposed should be framed in pursuance of the Imperial Act. "Lands in the unsettled districts," writes his Lordship, "according to these regulations, would be put absolutely out of the power of the Crown, "and be rendered unavailable for settlement, for the long period of fourteen years." It has been most unaccountably overlooked, by some of those who rely upon this expression, that even if it were admitted to affect the question of construction, it had reference to a proposed provision entirely different from that which ultimately assumed the force of law. The words of the draft order alluded to are these:—"Within the unsettled districts the "Governor shall grant leases of runs for terms of fourteen years' duration." Lord Grey was certainly warranted in assuming such words to be fatal to any latitude of disposition to be reposed in the Governor; but they are not, as will be seen by reference, the words of the present order. If any conclusion can be founded upon this circumstance, it is unfavourable to those who contend, as some do, for the adoption of the maximum term, as obligatory upon the Governor. The change of expression in the final as compared with the draft order is conclusive as to the intention of vesting a discretionary power; and the inference thus drawn from an act, not of the colonial minister, but of Her Majesty in Her Privy Council, is necessarily independent of any construction put upon the order by Lord Grey.

See Papers ordered by the House of Commons to be printed 31st March 1847, p. 4.

Ibid., p. 5.

53. It is argued, however, that the words of the Despatch which accompanied the order in its final form are almost identical with those just quoted, and are to be received as assuring to the applicants under the eleventh section the maximum term demanded by them. They are these:—"I have in my former Despatch explained to you the great im-"portance which I attach to avoiding an error of this kind" (*i.e.*, an improvident classification of the land), "with a view to the interests of future settlers, and how great was my anxiety "that no undue extension should be given to the lands to be defined as 'unsettled,' "and which would be thus put out of the power of the Crown, and rendered unavailable "to the public for purchase, for the long period of fourteen years;" and this consideration is assigned by his Lordship as the motive for effecting by Order in Council the intended division.

Ibid., p. 7.

54. It must be observed that express instructions alone could abridge the discretion expressly vested in the Governor by the Order in Council; a discretion deliberately imported into the system of the final order. The words above quoted, therefore, if material to the question, must either refer to or be deemed themselves to constitute such instructions. It is certain that no reference could have been intended to any collateral document of a directory character, since none such was in existence. If, therefore, the supposed instructions are extant, it must be in the words above quoted. Now the mention of the term of fourteen years is almost word for word the same which occurs in the Despatch first cited, and is indeed professedly a reiteration of the passage; yet, owing to the change in the final order, as compared with the draft, it strictly became a misconstruction of the altered words. It is introduced, moreover, incidentally to the subject of territorial division; but this matter was among those "most material changes" with which the second Despatch of Lord Grey professed to deal, and it seems impossible that, purposing absolutely to abridge the Governor's discretion, he could have deemed it proper to introduce the restriction by reference or implication, or that the limit to an express and vested power should not be prescribed, but assumed; and that no such instructions were in fact intended by Lord Grey, his Despatch of the 6th August 1849, to be presently mentioned, affords the strongest testimony.

55. The language then in question is obviously either that of inadvertence, or is a compendious expression, by which the maximum term is put for the variety of lesser terms limited by it. We are disposed to regard the latter view as correct, for we find that in Lord Grey's work upon the Colonial Policy of the Administration of Lord John Russell, published in 1853, he alludes to the subject in the following terms: "Under the "authority of this Act," *i.e.*, 9 & 10 Victoria, cap. 104, "Orders in Council were after-"wards framed, by which the leasing of land for pastoral occupation was provided for, on "terms which depended on the situation and character of the land. The whole of the "Crown Lands in the colony of New South Wales were divided into three classes, distin-"guished from each other by being situated in what were termed the settled, unsettled, "and intermediate districts. In the first, land was only allowed to be held from year to "year, as it was considered that it might be wanted within a comparatively short period "for purchase. In the unsettled districts, where any such demand was for a long time "unlikely to arise, the land was to be held for fourteen years. . . . Regulations different "in form, but the same in principle, were also established under the authority of the Act

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"of Parliament in South and Western Australia." Now the above statement, which purports to set forth the effect of the Order in Council itself, is either a mis-statement of those regulations, or, what is more natural to be supposed, is another instance of that latitude of expression to which we have alluded; and we shall see hereafter that, as the author of the Despatch upon which stress is laid, judged by his own evidence, did not intend his words to be construed as strict instructions, so they were not in fact thus construed by those who undertook their interpretation in the colony.

56. Proof, therefore, is yet wanting, that the local Government was instructed to accept, or has, whether by express declaration or by its conduct and implied acquiescence, in fact accepted, the maximum period as the term for pastoral leases.

57. Contrary, moreover, to what is often asserted, the existence of a discretion was both previously contemplated at home, and was recognized and well understood in the colony. Although the question of precedent intention, however notorious, cannot affect the construction of a written law, it is still material to note it as evincing the impression with which the applicants preferred their demands.

58. In the year 1844 the Colonial Land and Emigration Commissioners had expressed themselves opposed to "a longer term than eight years," deprecating the possible interference of a longer lease with the "future advance of population and civilization "beyond the borders." We find, that in the House of Lords, upon the second reading of the "Waste Lands Occupation Bill," Lord Grey stated that "the bill which he now "intended to move should be read a second time would enable the Government to grant "leases for less periods than fourteen years. Practically, the period would probably be "much less; but it was thought best to take a sufficient power at once, and to avoid the "necessity of troubling Parliament a second time on the subject. The late Governor of "the colony recommended eight years, and that would probably be the average length of "the leases." The construction put by the same nobleman upon the Order, when made, is clearly indicated in his Despatch dated the 6th of August 1849: "But inasmuch as the "order of the 9th of March leaves the term of years to be granted entirely at your "discretion, you will be able and justly entitled to refuse to such persons" (i.e., to the claimants of leases under the eleventh section,) "any lease for more than a year, unless "they are willing to accede to the insertion of such conditions as you may require."

Papers ordered by the House of Commons to be printed, 1st May 1845, p. 64.

Hansard's Parliamentary Debates, vol. lxxxviii., 1846.

Papers presented to Parliament, 14th August 1850. p. 84.

59. Nor in the colony was the construction to which we refer less distinctly recognized. "The period of the lease," says the report of a select committee of the Legislative Council of New South Wales, in September 1847, "both in the unsettled and intermediate land, "appears to be left entirely to the discretion of the Governor." The law officers of the Crown in New South Wales express themselves, in a formal opinion, dated 2d August 1847, to the same purpose. "The utmost effect," say they "which can be given" to the eleventh section "is, that licensed occupiers shall be entitled to leases of yet unascertained "duration, provided their claims be put in within the prescribed term," and by no means are "those who claim in due course," "peremptorily entitled" to a lease "for any particular "term."

See Papers presented to Parliament, 1848. p. 65.

Ibid., p. 38.

60. As regards the term of lease, therefore, the position of claimants under the eleventh section of the Order in Council of 1847 appears to be this:—Aware of the avowed intention of the authorities at home, and in possession of the unequivocal text of the order itself, which had already been correctly interpreted in the colony, they applied for leases of a certain stated duration. An interval of some years followed, due, as is clearly established, to certain practical difficulties of boundary and survey, with express reference to which the issue of leases was from time to time postponed. While these essential portions were yet in suspense,—a suspense which promised to be indefinitely prolonged,—the other provisions to be inserted in the lease, alike and confessedly indeterminate, called for no categorical settlement, nor did in fact receive any. Upon these latter provisions, therefore, of which the term of years to be granted is one, the silence of the Government is significant of nothing.

61. A remarkable corroboration of this view in point of authority is afforded by the extract from Lord Grey's Despatch of 1849, quoted above, in which, writing nearly two years after the publication of the first Order in Council, he treated the insertion of fresh conditions in leases duly demanded under the eleventh section as a course still open to the Governor; a course which could not then have been legitimately adopted if the reasoning from tacit acquiescence to the acceptance of proposed terms were worth anything.

62. Such being the inchoate rights of the claimants for leases, they were susceptible of no alteration from the mere lapse of time due to a special class of difficulties. What was indeterminate in 1849 was not in 1851 yet ripe for decision, nor had in fact been decided, when, in the year 1852, the Lieutenant Governor, by referring the whole question for instructions from home, declined to pledge the faith of the local Government.

63. While the reservation of rent upon the leases claimed depends upon the same general considerations as the duration of the lease, the question whether the minimum rate prescribed by the second section has been adopted by the local Government is somewhat different from that relating to the adoption of the term demanded. It may be fairly urged that rent has been accepted upon the scale in question since the commencement of the equitable tenancy, and this argument has weight for the purpose for which it is used. But in truth, in an estimate of existing and beneficial interest, the question is of inferior

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importance, for two reasons; in the first place, since it is merely incident to the term granted, the immunity from increased payment in the shape of rent is only commensurate with the length of that term, an unascertained quantity; in the second place, the charge upon the occupant is at all times susceptible of supplement in the shape of direct taxation by the local legislature, and this by the express provision of the Order in Council.

64. The preceding observations are fully consistent with the position, that such rights of a determinate character as must have accrued to the claimants of leases had the legal instrument been actually issued became theirs equitably upon the fulfilment of the obligations imposed upon them; a position to which we fully assent. The right, for instance, of pre-emption reposed in the Governor's discretion for the security of permanent improvements is one of these. This has been all along recognized and acted upon since the expiration of the time limited for preferring demands for leases; and it is believed that in a short time few, if any, of the licensed occupants of Crown lands will be found who shall not have availed themselves of this equitable privilege.

65. The precise period from which the lease to which the demandants are entitled should bear date next calls for remark. It has been urged that this period must be deemed to be that within which the applications for leases under the eleventh section were permitted to be made, as since then the occupants have enjoyed all the equitable advantages of which their case was susceptible. It is said that the argument that the marketable value of the runs was impaired by the non-issue of the legal evidence of title involves a fallacy, for that the length of tenure being unascertained, the occupant in any particular case was not entitled to assume that the term accorded to him would be the longest, and therefore the most favourable for the purpose of transfer; that he could not, till the issue of the lease, or the enunciation of a distinct pledge, be certain but that the discretion of the Governor would be actually exercised in a manner infinitely less advantageous for the purpose of sale of the run than if the claim had remained altogether indefinite; that it was possible, in a word, that upon the average of cases the terms actually granted might rather disappoint than fulfil the expectations of the claimants. We do not pretend to determine this point, which seems at least doubtful.

66. Of the exclusive right of purchase exercisable by the lessee over his whole run it need only be said, that, being dependent upon the discretion of the Governor, it is practically worthless to the lessee where the exercise of it would conflict with the public interests, and being thus worthless it would assume, if insisted on for the purpose of mere exclusion of purchasers, a most invidious and intolerable character.

67. The practical and beneficial interest of those occupants of Crown lands who claim under the eleventh section of chapter 2. may therefore be stated to be:—

1. A right of lease for a period of years still indeterminate; a lease, it must be observed, not, on the one hand, to be assumed as commensurate with the maximum term of fourteen years, upon "some vague and general understanding current among the "classes benefited," nor, on the other hand, to be treated as a nullity upon occasion taken or by an afterthought, but still depending upon a discretion of the Governor, yet to be exercised, and forming, in connexion with the other branches of this important subject, one element of a general arrangement.
2. An immunity from rent beyond an amount fixed it may be for the present, but dependent on the duration of the lease, and open to collateral supplement in the shape of taxation.
3. A right of pre-emption practically valuable to the lessee for the security of permanent improvements alone.
4. A right to renewal at the expiration of the leases, dependent upon the continuance of that territorial classification which we have before seen reason to condemn.

68. Effect was given to that part of the order which relates to the settled districts by a Government notice, dated 29th March 1848, of which we shall mention the principal provisions. By the regulations contained in this notice a twofold mode of occupation of the settled districts has been prescribed; an exclusive tenure for purposes purely pastoral, under a yearly lease, and a commonage right of unoccupied Crown lands conceded, without payment, to the holders of adjacent purchased lands. The latter right is at all times defeasible in favour of a yearly lessee claiming in any of the modes prescribed, and the yearly leases are, with certain trifling reservations, obtainable in three ways:—

1. By the exercise of a right, termed a pre-emptive right, which is conceded to the holders of purchased or granted lands, entitling them to a yearly lease, at the fixed price of ten shillings per section of 640 acres, and, without competition, of waste Crown lands adjacent to their respective properties, and to the extent of three times their area; provision being made for the adjustment, inter se, by arbitration, of conflicting claims, where the land is necessarily limited. Persons of this class have also the privilege of demanding the lease by auction of additional adjacent sections, in defeasance of the right of the previous occupant.
2. By the exercise of a right, conceded to persons hitherto occupying Crown lands under a squatting licence for pastoral purposes, entitling them to hold on yearly lease at a fixed rent of one pound per section the lands hitherto in their occupation, renewable, but without prejudice to the requirements of the public purchaser, or to the exercise of the so-called pre-emptive right of the neighbouring holder in fee.

3. By auction.—The sale of yearly leases, in respect of which none of the last-mentioned rights have been exercised, and in cases in which no renewal has been sanctioned, may take place, on the application of any person requiring the same, at the upset price of ten shillings per section.

It remains to be added, that the lease, howsoever obtained, does not entitle the holder to compensation for improvements effected by him; and all are alike defeasible upon one month's notice, for the purpose of alienation in fee by public auction.

69. The details of these regulations will be found in their proper place.

70. The order of March 1847 has been followed at various times by four distinct Orders in Council.

71. The first of these is dated the 11th August 1848, and effects the inclusion in the settled districts of certain lands adjacent to the townships of Belfast and Warrnambool.

72. The second is dated the 18th July 1849, and after reciting that "it is expedient "that all pastoral leases" under the order of 1847 "should contain such conditions, clauses "of forfeiture, exceptions, and reservations as may be necessary for securing the peaceful "and effectual occupation of the lands comprised in such leases, and for preventing the "abuses and inconveniences incident thereto," empowers the Governor "to insert in any "pastoral lease thereafter to be made such conditions and clauses of forfeiture, exceptions, "or reservations as to him shall seem requisite for the purposes last aforesaid, and" provides "that any condition, clause of forfeiture, exception, or reservation which may be "endorsed on any pastoral lease after the execution thereof, and signed by the lessee, his "executor or administrator or assign, and by the Governor, shall be as effectual to all "intents and purposes as if it had been inserted in the body of such lease, in pursuance "of the power given by the order: Provided always, that no such condition or clause of "forfeiture, exception, or reservation shall entitle any person, other than the holder of "such lease, to use the lands comprised therein for the purpose of pasture or cultivation;" and further provides, "that all pastoral leases shall be transferable under such conditions "and in such manner and form as shall be determined by the Governor."

73. The third order bears date the 19th June 1850, and empowers the Governor "to "grant leases of land for periods not exceeding one year, for pastoral or other purposes, "in any part of the colony;" and further, "to sell to the holder of any lease granted in "virtue of this Order in Council any part of the land comprised in any such lease, for its "fair value in an unimproved state, not being less than the minimum upset price "prescribed by the Government regulations for the time being."

74. The fourth order is dated the 10th October 1854, and now lies before Parliament, according to the requirements of the Act before mentioned, previously to becoming law in the colony. This order empowers "the Lieutenant-Governor of Victoria to cause a pro-"vision to be inserted in or endorsed on any pastoral lease, declaring what rate of rent "(not being less than 10*l.* per annum) shall be payable by the holder or holders of such "lease during the currency and after any renewal thereof, and how such rent shall be "calculated or assessed; and such rent shall be in lieu of the rent payable under the said "Order in Council, and all the provisions of the said Order in Council respecting the "payment and recovery of the said last-mentioned rent, and respecting the forfeiture of "any lease for nonpayment thereof, shall apply to the rent declared by such provision so "inserted in any lease as aforesaid: Provided always, that no such provision shall be "inserted in or endorsed upon any lease which shall have been executed or promised "before this Order in Council shall take effect, without the consent in writing of the "person or persons holding or entitled to such lease." And it further empowers "the "Lieutenant-Governor, with the advice of his Executive Council, notwithstanding any-"thing contained in the said Order in Council, to make such regulations as to him shall "seem fit respecting the mode of tendering and receiving tenders for pastoral leases; pro-"vided that no such regulations shall take effect till they shall have been published in the "Government Gazette."

75. The administration of the Crown lands as a question of public policy has a threefold aspect. It comprises the subjects of permanent alienation, temporary occupation, and public revenue. The relative importance of these is different. The first is paramount; the second is the supplement of the first; and the third is incidental and subordinate to both. A very few remarks will suffice to exhibit these subjects in their proper relation to the general welfare, and to each other.

76. All other ends of the waste land administration yield to the vital object of supplying land for permanent settlement. It is needless to insist upon a policy which appeals to the instinct of a young colony. No obstacle practicable to be removed should be suffered to impede the unrestricted action of the public land market; and free access to the land for purchase being assumed as the basis, the other portions of the land system should be adjusted accordingly.

77. But after the utmost demand of the purchasing class has been satisfied, vast tracts must still remain unabsorbed by the public demand, and immature, as it were, or wholly unfit, from local and natural character, for permanent settlement. Such are available for the secondary purpose, that of temporary occupation of a pastoral character. As a source of wealth to the colony, it is desirable that this should reach at all times the utmost limit of productiveness and efficiency, and that with this object such security should be given

to the occupants as is consistent with the complete freedom of sale, while unproductive occupation should be sedulously discouraged.

78. Although the subject of public revenue is ever subordinate to that which concerns the sources of national wealth, it should claim attention in its turn, after the latter have been duly secured. The sale of land by Government, conforming, so far as an artificial system of distribution may, to economic laws, depends for its financial results in a great measure upon the state of public demand. While the supply of land is such as may cause the general price to tend towards the prescribed minimum, it is hardly possible to regulate by extraneous means the amount of revenue derivable, being only the incident of a distributive process with which it should never be permitted to interfere. It is not so with the temporary occupation of the waste lands, which depends, not upon competition, but upon custom. And while, therefore, in connexion with this subject, as distinct from that of permanent alienation, the question of revenue involves no interference with principle, it assumes, besides its financial aspect, an indirect but important relation to the question of production. Payment by the individuals who are privileged to use a natural agent, of which the public is the beneficial proprietor, should, in short, constitute as well the price of the benefit conferred as the security that it will be well and efficiently applied.

79. It is a circumstance not to be overlooked in any settlement of the land question, and distinct from the subject of alleged or admitted rights, that some regard is due to the mere possession of the existing occupants, and the vast amount of capital which they hold invested in pastoral pursuits. This must form an element in any comprehensive and practical settlement which the pastoral question can receive; and neither expediency nor justice can require that these important producers alone should have to deplore, as a substantial sacrifice of their real interests, the institution of a policy beneficent to their fellow-colonists, and tending to increase the public revenue.

80. It will now, we believe, be admitted that the system constructed by the Waste Lands Occupation Act and the Orders in Council does not satisfy the conditions of this question, or effect a proper balance of the various interests involved. A strict adherence to the provisions of the existing law, while it might not, as we have seen, prove beneficial to the occupants themselves, would be most embarrassing to the community at large. At the same time those strict rights, of whatever extent, as well as those claims to general consideration which the pastoral class confessedly possesses, must be recognized and respected. This object will, we submit, be best attained by that commutation of the present tenure of the squatters which we are about to recommend. Sound policy, in truth, dictates an entire and radical re-adjustment, upon the basis of compromise, of a question surrounded by so much complexity of interest, and points, first, to the extinction of all rights and pretensions opposed to the paramount claims of permanent settlement; and, secondly, to the expediency of conceding to the pastoral class—which adds to its indeterminate rights, under the existing law, the claims arising from actual possession, and invested capital—such security as the nature of the case may admit, and upon terms of payment which may at once secure some equivalent for the benefit conferred, and may discourage unproductive occupation.

81. We therefore recommend,—

1. That the survey and sale of the Crown lands of the colony should proceed continuously with reference to the requirements of all classes of purchasers, and in quantities sufficient to prevent the price from greatly exceeding at any time the present upset price, as prescribed by law.
2. That yearly licences, renewable from year to year, should be given to the present occupants for pastoral purposes only, which should hold good against any other licensee.
3. That the rent to be paid should be regulated by the grazing capability of each run, subject to the mode of decision presently to be proposed, and should be at the rate of 6*d.* for every sheep, 4*s.* for every head of cattle, and 10*s.* for every horse which the run should be estimated as capable of carrying.
4. That the above general rate per head of stock should be open to periodical re-adjustment, at the expiration of each period of five years from the date of occupation under the proposed system, to be effected by competent authority, and to be applicable in common to all occupants.
5. That a minimum limit, based on extent, should be imposed, of 1*d.* per acre.
6. That a legal tribunal, in the nature of a court of appeal from valuation, should be constituted, to which either the Government or the occupant should be at liberty to appeal against the existing estimate of grazing capability.
7. That the proposed regulations should take effect indifferently upon all waste lands of the Crown throughout the colony, the present territorial classification and the regulations dependent upon it being abandoned.

82. It remains to say a few words in explanation of the mode of estimating the rent recommended. Two proposals in particular have been considered by us in connexion with this subject. One of these proposals was that the pastoral runs should be divided, with reference to local and natural value, into a definite number of classes; that an acreable rent, varying with each class in the rate per acre, should be paid for each run; that this rate should in each instance bear a certain relation to the upset price of land for sale;

that the rate, upon an average of the colony, should not be less than 3*d.* per acre; and that a legal tribunal should be constituted for carrying out these proposals. The other proposition is that which we have in terms adopted. The principle of these proposals appeared to us to be the same, and will be seen to depend upon a reference to capability, based upon and qualified by area. This principle constitutes the limit to unproductive occupation, which we have stated to be so desirable, since the institution of a minimum rent, estimated upon the acre, obviously places at a disadvantage such occupants as are indisposed to use to the utmost of its capacity to produce the land in their occupation.

83. We may be permitted, in conclusion, to add, that should our recommendations be adopted it will be a source of great satisfaction to us to have been instrumental in conducting this difficult question to a final and durable settlement.

WILLIAM F. STAWELL. (L.S.)
*J. F. PALMER. (L.S.)
AND. CLARKE, Capt. R.E. (L.S.)
*CHARLES J. GRIFFITH. (L.S.)
*JOHN O'SHANASSY. (L.S.)
JAMES F. STRACHAN. (L.S.)
*JOHN P. FAWKNER. (L.S.)
*WILLIAM NICHOLSON. (L.S.)
*WILLIAM C. HAINES. (L.S.)
*CHAS. BRADSHAW. (L.S.)

NOTE.—Those members of the Commission whose names are marked thus (*) have signed the above report under protest. Copies of the several protests are appended.

PROTEST of the Honourable the SPEAKER and CHARLES BRADSHAW, Esquire.

AGREEING fully in the policy as expressed in the preceding report, "that the survey "and sale of Crown lands of the colony should proceed continuously with reference "to the requirements of all classes of purchasers, and in quantities sufficient to prevent "the price from greatly exceeding the upset price as prescribed by law," we are of opinion that this policy may be carried out to all effective purposes without the "extinction of all rights" or without "the entire and radical re-adjustment" of the question which is proposed in the report, an extinction and re-adjustment which cannot fail to involve the question of public faith as connected with compensation. We believe that there is no one tenant of the Crown who does not acknowledge "the paramount claims of permanent "settlement," or who would not willingly waive his strict legal rights wheresoever or whensoever they were found to interfere with the free sale of the land; but we cannot concur in a report which recommends the extinction of a whole class of valuable rights, not in order to carry out the policy above mentioned, for which so sweeping a measure is unnecessary, but in order to increase the Crown rental, at the same time that it ignores altogether the question of compensation on grounds sustained by special pleading. We assent to the policy that the lands of the colony should be surveyed and offered for sale without stint; but we are of opinion that this policy may be fully satisfied without the disruption of existing interests, or without raising the question of the violation of public faith.

Besides these general grounds for dissenting from the above report, we dissent on the following specific points:—

I. The Commission has declared that leases are demandable for the respective periods of eight and fourteen years, but that there is no obligation on the Government to grant leases, and, à fortiori, to grant leases for the terms above mentioned, whereby any pretence of claim for compensation is virtually ignored. The proposition, "that the words of "sect. 1. cap. 2., 'It shall be lawful,' are mandatory on the Governor," was negatived, on a division by four to three. The report also affirms that "The Governor may exercise, "as to the number of years, an entire discretion," and, "is in no way bound by the law to "accord to the applicant a lease for the full term demanded."

From a review both of the Orders in Council themselves and of the antecedent circumstances which led to their enactment, and also of the measures which were taken by the local Government following their promulgation, it is impossible to mistake their design, that they were devised principally with a view to encourage the pastoral interests, by prescribing a definite rent, and by granting a lengthened term of occupation. The presumption, therefore, is against any construction of these orders which would defeat this design; and any deviation from this design would require to be supported by the clearest declarations on the part of the Government. The insecurity of the tenure under which the settlers held the waste lands of the Crown, and the liability of this tenure to continual change at the will of the Governor, was the sole ground of the agitation which led to their enactment. Lord Grey in his Despatch covering the draft orders, dated 29th November 1846, writes "I admit that both the interest of the public and of the individual "occupier of wild lands would be promoted by permitting such lands, when not wanted for "settlement, to be held for longer periods than has hitherto been the practice." "It is

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"upon these views that the Act passed in the last session, enabling Her Majesty to make "regulations having the force of law by which the holders of wild lands will be rendered "secure in their occupation for terms of not more than fourteen years." And in his Despatch covering the amended orders, dated 30th March 1847, he writes, "I look with "satisfaction on the concessions which they contain to that enterprising class by which the "products and the wealth of New South Wales have been so largely increased of late years." Language which would have been utterly futile in contemplation of a re-investment of the Governor with that very discretion against which an appeal had been made, or of its exercise in the manner which is now contended for in the report.

Language to the same purport, and indicative of the same intention, is employed by this minister in his "Colonial Policy," published in 1853. After stating the disadvantages under which the pastoral interests had hitherto laboured from the shortness and insecurity of their tenure, he adds, "by the system now introduced this difficulty has been obviated. "In the unsettled districts the squatter can obtain a lease of his run for fourteen years. "In this way all the encouragement they could fairly require has been given to the sheep "and cattle farmers." Vol. 1., p. 315.

The language of Earl Grey's Despatch covering the draft orders, and repeated, ipsissimis verbis, in that which accompanied the amended orders, has been referred to in the report, and serves to remove any remaining doubt on this subject. It runs thus, "Lands in the unsettled districts, according to these regulations, would be put absolutely "out of the power of the Crown, and be rendered unavailable for settlement for the long "period of fourteen years;" on which account he urges the necessity of extreme caution in the classification of the lands of the colony, a caution wholly unnecessary upon the interpretation adopted by the report.

It has been endeavoured to invalidate the inference arising from these expressions by the citation of a Despatch of Earl Grey, dated the 6th of August 1849. "But inasmuch "as the order of the 9th of March leaves the term of years to be granted entirely at "your discretion, you will be able and justly entitled to refuse to such persons any lease "for more than a year, unless they are willing to accede to the insertion of such conditions "as you may require;" and also of an Order in Council dated the 19th July 1850, empowering the Governor "to grant leases of land for periods not exceeding one year, "for pastoral and other purposes, in any part of the colony." And further, it has been pointed out that the language which in the draft orders was absolute, "shall grant leases "of runs for fourteen years," was in the amended orders modified to "any term or terms "of years not exceeding fourteen years in duration." But it is needless to observe that no subsequent order can limit much less vacate the obligation of the original contract, except with the consent of both parties. The alteration of terms in the amended orders, and Lord Grey's Despatch of 1849, were both directed to special cases; and it is remarkable that his Lordship's suggestions extend only to the greater or lesser period, and not to the issue or non issue of leases, although the more obvious course would seem to have been to have refused altogether to grant leases (had this been lawful) to persons who rejected the Governmental conditions. If in any cases the law might be strained, it was precisely in cases like these; but it would be preposterous to argue from exceptional instances for the establishment of a general principle. Exceptio probat regulam. In contemplation of exigencies of this nature Lord Grey's Despatches are reconcilable; but under no circumstances does their apparent disagreement at all affect our main position, which is, that the primary object of the Orders in Council was to give fixity of tenure and a fixed rent; that these objects were so understood by the Home Government and by the local Government, and by those whom they were intended to benefit; and that an implied contract arose out of this mutual understanding, which carries with it the full force of a moral obligation.

The opinion of the law officers of the Crown in New South Wales, that a discretionary power was vested in the Governor, has also been relied upon; but as this opinion was neither acted upon nor promulgated, it does not touch our main argument; neither can it be supposed that this discretion (on the hypothesis of its legality) was intended to have a wider operation than the class of special cases to which we have alluded. To suppose it exercisable as the rule, and not as the exception, and in its full extent, would be to convert a provision for carrying out the Act according to its original intent into a means of defeat and obstruction of its fundamental scope and tendency. Others again have relied on the words of the 9th section, cap. 2., of the Orders in Council, that nothing shall prevent the Governor from making grants or sales of land in any part of the colony "for any other "purpose of public defence, safety, utility, convenience, or enjoyment, or for otherwise "facilitating the improvement and settlement of the colony;" but it must be obvious that unless we restrict the meaning of these terms to public, as contradistinguished from private objects, the enumeration of specialities in this and the following section would have been altogether superfluous. We have, however, already expressed our opinion that no obstruction should be opposed to the free sale of Crown lands in any part of the colony, and in saying this we believe that we express the opinions of the great majority of occupants of Crown lands.

Such appears to have been the origin and object of the Orders in Council, as understood by the minister under whose auspices they were framed; such also appears to have been

the understanding with which they were proclaimed and received in the colony. The parties interested were invited to send in their claims, and in cases of disputed boundaries to submit their determination to an expensive tribunal. No doubt on the subject was entertained by the public, and no declaration was made by the Government that the terms of lease would be subject to any curtailment, but, on the contrary, leases have been issued by the Government of New South Wales for the full period of fourteen years. The reception of the Orders in Council in the colony was in accordance with the motives which originated them. It may be preferable in our courts of law to submit to occasional aberrations from justice, from too literal a construction of our laws, rather than intrust to our judges too large a discretion; but the supreme power, being subject to no such limitations, can plead no such apology; its equitable jurisdiction is untrammelled by forms, and its course may not be impeded by special pleading. Promises given and received in a certain sense, and known to be so received without any contradiction, are admitted on all hands to be obligatory. On this point we state our belief without hesitation, that an universal expectation was raised among all classes of colonists, uncontradicted by the Government, that leases would be issued for the full terms nominated in the Orders in Council. We are therefore of opinion that no abatement can be made in these terms without compensation, without incurring a distinct breach of public faith.

We prefer resting this argument on the plain understanding of all the parties concerned. We might, however, rely on the insufficiency of the authority which vests the Governor with power to nominate either the duration of the leases or the rents to be reserved, even though he should have exercised this power adversely to the settler prior to the creation of any obligations. The 6th clause of the 9th and 10th Victoria, cap. 104, empowers Her Majesty in Council to make rules and regulations respecting the demises to be granted and the rents to be reserved, which rules and regulations were made accordingly by the Orders in Council of 1847; but these powers, by the 10th clause of the same Act, may not be delegated to the Governor, who can therefore exercise no discretion in the matter. Even on the contrary supposition, that such a power might lawfully be delegated, it is evident that, under the first orders, it was of an inchoate character, or the new order of the 19th July 1850, already cited, would have been altogether unnecessary.

II. The Commission has recommended a specific rentcharge of 25*l.* per annum for every 1,000 sheep, and in proportion for cattle and horses, charged on the area at not less than one penny per acre; but it has not been said that this rentcharge may not hereafter be supplemented to any conceivable extent by an assessment rate, so as to render it in the highest degree oppressive. The present rent reserved is 10*l.* for every 4,000 sheep, and the present assessment is at the rate of twopence per head; but the amount now recommended is an advance on these joint amounts of nearly 131 per cent. It is obvious to observe that the present rent of 10*l.* for every 4,000 sheep, resting as it does on the same general considerations as the duration of the lease, and having been accepted in fact by the local Government, may not now be altered without the consent of both parties, neither may the assessment rate be raised before the expiration of the present year. Admitting, however, the power of the legislature to supplement the rent by a further assessment after the expiration of the present Act, we dissent to the mode of argument adopted in the report, which would leave it to be inferred that it is competent for the legislature to set aside the whole policy of the Act of Parliament, 9 and 10 Vict. c. 104., and the Orders in Council founded thereupon, wholly irrespective of vested interests. We repeat that that policy was to give encouragement to the pastoral interests, by granting fixity of tenure on the one hand, and a determinate rent on the other; but if the rent may be indefinitely increased and the tenure indefinitely diminished, by either of these methods the policy of these laws may be utterly nullified; a supposition which is inconsistent with good faith. Believing, therefore, that section 4. chap. 2. of the Orders in Council, which gives power to the local legislature to levy assessments on stock, must be interpreted in subordination to the general policy of these orders, and further, that this policy would be abundantly satisfied by the rent now proposed to be reserved, we are of opinion that a guarantee should be given that no further increase will be exacted during the next ensuing eight years.

III. The Commission has suggested no scheme for the permanent occupation of the waste lands of the Crown, beyond an annual tenancy, the conditions of which tenure are liable to variation in each successive year. We are of opinion that to place this great producing interest of the country under so great a discouragement would be an eminently unwise policy, which will inevitably tend to prevent the investment of capital in this class of pursuits, and thereby retard the development of the country in its capacity to carry stock, no less than the efforts of individual settlers to improve the breed. Already has there been a diminution in the number of sheep from 1854 to 1855 exceeding half a million, and an almost total cessation of enterprise to improve the breed.

IV. The Commission has suggested no scheme of compensation, and on this ground we also enter our dissent.

This question would seem to rest on the following considerations: 1st, the right of pre-emption; 2d, the right to leases for fixed periods; 3d, the right to renewal of these leases on their expiration; 4th, the right to a fixed rental, subject to supplementation by the legislative body. We do not insist on the first and third of these considerations, which are

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relatively of little value as compared with the magnitude of interests involved in the two others; neither are we of opinion that the proposed alterations will substantially affect the intermediate and settled districts. The question therefore is narrowed to the unsettled districts, and as to the degree in which these districts will suffer by the proposed alteration of tenure and that of rent.

There are at present 399 separate stations in the three unsettled districts of the Wimmera, the Murray, and Western Port, carrying 2,347,512 sheep, or their equivalent number of cattle, giving an average number of 5883 sheep to each station. Assuming the value of sheep with stations to be 20*s.* and the value of runs to be eight years' purchase (the remanent term of lease to which according to our view the settler is entitled), and further assuming that this value is chargeable in equal moieties on the stock and station respectively, then, on the expulsion of the present occupants from their land, the amount of compensation would be represented by 1,173,756*l.* The real question however, cannot be stated in this absolute form, but lies in the difference of value between an annual tenancy and a tenancy for eight years certain, which is merely a question of opinion. From the general tenor of the report, the payment which should be exacted from the settler is not in future to bear any relation to existing claims, but to be regulated by considerations of finance, so as further to secure the application of the land to the greatest possible advantage. It is stated in section 79 of this document: "Payment by "the individuals who are privileged to use a natural agent of which the public is the "beneficial proprietor should, in short, constitute as well the price of the benefit con-"ferred as the security that it will be well and efficiently applied." In other words, a rackrent from year to year is to be substituted for a moderate rent on a beneficial lease for a fixed term of years. Under ordinary circumstances this difference could not be estimated at less than 25 per cent., but when it is further taken into the account that the rent proposed to be reserved exceeds the present rent and assessment conjointly by 131 per cent., and that a proposal was made in commission by an influential member of that body and of the Government, to omit the words "present occupants" from the motion which affirmed "that yearly licences, renewable from year to year, should be given to the "'present occupants' for pastoral purposes only, which should hold good against any other "licencee," it is impossible that men should feel secure under the proposed tenure. These circumstances seem to us to warrant at least a further reduction of 15 per cent., making in all a sum of 469,502*l.*, which would represent the deterioration of property in the unsettled districts consequent on the changes recommended. In the consideration of the propriety and amount of this compensation it is material to bear in mind that the number of transfers of runs in these districts since the applications for leases, and made therefore on the faith of the Orders in Council, has been in the whole 411, which represent on an average two millions and a half sterling of vested interests.

In concluding these observations, we cannot avoid the expression of our opinion that it would conflict less with existing interests, and be on the whole a much sounder policy, to issue leases in the unsettled districts for eight years from the present date, reserving an unrestricted right of sale to the Crown without notice and without compensation.

J. F. Palmer,
Chas. Bradshaw.

Appendix to the foregoing Protest.

Comparative Statement of Stock depastured on Waste Lands of the Crown (Intermediate and Unsettled Districts) for the Years 1854 and 1855, as returned for Assessment by the Licencees.

	Horses.	Cattle.	Sheep.	£	s.	d.
1854	15,166	410,139	5,595,220	68,650	7	9
1855	14,332	417,315	5,087,011	64,690	14	2

Number of Stations in the Unsettled Districts.

Wimmera	147	Stations,	licensed to	115	Settlers or Firms.
Murray	161	„	„	131	„ „
Western Port	71	„	„	54	„ „

Number of Stock in the Unsettled Districts returned for Assessment.

	Horses.	Cattle.	Sheep.
Wimmera	1,495	25,439	1,370,022
Murray	3,870	102,253	374,002
Western Port	792	36,793	462,210
	6,157	164,485	2,206,324

Number of Transfers of Runs in the Unsettled Districts effected since the Applications for Leases were made in 1848.

Wimmera	137
Murray	196
Western Port	78

NOTE.—In the Murray District the number of transfers exceeds the number of runs. This statement shows the number of persons to whom stations have passed during the above period, some runs having been transferred five or six times.

PROTEST of CHARLES JAMES GRIFFITH, Esquire.

Agreeing in the view taken of the history of the occupation of the waste lands of the Crown, and assenting, as I do, to the recommendations contained in the above report as to the mode of dealing with them for the future, I feel myself, nevertheless, bound to protest against it on the ground that it does not correctly represent the decisions of the Commissioners in one important particular. It contains a statement that the points in debate on the construction of the Orders in Council were three,—namely, as to the duration of the lease, the amount of rent, and the rights of pre-emption,—and takes no notice whatever of a decision of the Commission, arrived at after a long discussion, to the effect that the Governor could legally refuse to issue the leases, which, under the eleventh section of chapter 2. of the Orders in Council the occupant was entitled to demand. I object to the report for not embodying this decision, and I object to the decision itself, as it would render nugatory the intention of the Orders in Council, expressed in words which appear to me as explicit as any which the English language affords.

To me it seems evidently intended that the obligation should be perfect, and that it would be idle to confer on the occupant a title to demand if there resided in the Governor a discretion to refuse.

Lest any controversy should arise as to this decision, I will state the terms of the resolution, viz. "that the words of the eleventh section, 'All occupants of Crown lands "'who shall have been in licensed occupation of the same for one year at the time the "'Order in Council shall come into effect are entitled to demand leases of their respective "'runs,' render it imperative on the Governor to comply with such demand, provided it "be made in conformity with such section." This resolution was negatived by the majority of the Commission, and the effect of this decision appears to me to have been to render supererogatory all inquiry on the part of the Commission as to what might have been the incidents of such leases if the Governor had seen fit to issue them, which he never did, to render nugatory all subsequent provisions in favour of the occupant, and to cut from under his feet all ground for claiming compensation should those rights be invaded which the Orders in Council guaranteed during the continuance of the lease. If the Governor were at liberty, on the demand being made for the issue of a lease, either to comply with that demand or not, as he might think fit, no compensation could be due in consequence of his having in the exercise of his legal discretion refused to do so. Accordingly, the question of compensation having thus been practically settled by this preliminary decision, was not specifically entertained by the Commission, and no notice whatever is taken of it in the report. As it is, however, one which has given rise to more difference of opinion and been discussed with more warmth of feeling than any other connected with the Orders in Council, and as it materially affects the rights of the present occupants of Crown lands, I think it should not be passed over in silence.

Two views have been taken of this subject by those who maintain that the Orders in Council do confer some rights upon the occupants of Crown lands.

The one is, that by the withholding of leases an injury was inflicted on the whole body, owing to the consequent uncertainty of tenure, which in preventing them from resorting to all such expedients for economising labour as involved an outlay of capital did in fact render their calling less lucrative, and diminish the marketable value of their property, and that thus a right of compensation has accrued to the occupants of Crown lands as a class.

The other is, that compensation should be restricted to those who have been actually dispossessed, either wholly or in part, during what ought to have been the current period of their leases, and for a purpose not coming within the exceptions contained in the ninth section, chapter 2., of the Order in Council.

The latter is my own opinion. The evils resulting from uncertainty of tenure are scarcely to be measured by a money value; they are almost necessarily the results of the changes consequent on the discovery of gold, and the occupants must be content to set them off against the advantages which they have realized in the enhanced value of their fat stock, attributable to the same cause.

Taking then the latter view of the subject of compensation, two questions arise: first, What is the length of the lease which the occupant is entitled to demand? secondly, What is included in the exceptions contained in the ninth section?

With respect, first, to the duration of the lease, the words of the Order in Council are, not exceeding fourteen years in the unsettled and not more than eight years in the intermediate district; and it was contended by his Grace the Duke of Newcastle, when

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Secretary for the Colonies, as it is now by the report of this Commission, that these words would be satisfied by a grant of a lease for one year. It is, however, admitted by him in the Despatch which maintains this construction, that although such might be the strict legal import of these words, yet if by the acquiescence on the part of the local Government a more liberal construction should have been sanctioned, he would feel himself bound by it as a minister of the Crown. I believe that not only has this been the case, but that there have been declarations of Her Majesty's ministers which warrant both the local Government and the occupants in understanding (as they always have done) that these leases when issued should embrace the full period of eight and fourteen years.

In his Despatch accompanying the Draft Orders in Council, Earl Grey, then Secretary of State for the Colonies, writes thus: "Lands in the unsettled districts, according to these "regulations, would be put absolutely out of the power of the Crown, and be rendered "unavailable for settlement for the long period of fourteen years." This Despatch accompanied the Draft Orders in Council in which the words were "within the unsettled districts "the Governor shall grant leases of fourteen years' duration." The words in the orders, as passed, were "not exceeding fourteen years;" but it is a striking proof that Earl Grey did not consider that the introduction of these words made any material alteration in the meaning of the clause, that in his Despatch, dated 30th of March 1847, accompanying the actual orders, he repeats the very same expression: "I have in my former Despatch," writes his Lordship, "explained to you the great importance I attach to avoiding an error "of this kind, with a view to the interests of future settlers, and how great was my "anxiety that no undue extension should be given to the lands defined as unsettled, and "which would thus be put out of the power of the Crown and rendered unavailable for "purchase for the long period of fourteen years. Entertaining this opinion," he goes on to say he had made the division into districts, using the present tense, and thus showing clearly that at that time he considered the time to be of fourteen years' duration.

Of the intermediate lands, he says in the same Despatch, "Although liable at the end "of each year to be put up for sale, the squatter on these lands will be perfectly secure "for eight years against any one who merely requires a lease."

It is clear then, that whatever were to be the incidents of these leases it was the opinion of Earl Grey that their duration should be eight and fourteen years respectively. Nor were these Despatches merely written privately to a Governor for his guidance, but they were laid before Parliament, together with the Orders in Council, by the ministers which framed these orders, as an elucidation of their meaning, and an expression of their own views with respect to them. It is not pretended, as is suggested in the report, that these opinions of Earl Grey could modify the legal effects of the words in question, or that they could be looked upon as express instructions to abridge the discretion of the Governor; but it is contended that, put thus authoritatively forward, they did afford ground for the squatters on the one hand and the local Government on the other for assuming this to be the true construction of the orders. Thus, on the part of the squatters runs have been constantly advertised in the public papers as entitled to a fourteen years' lease, and large sums of money have been invested on this understanding; and on the part of the local Government an acquiescence in this interpretation may be fairly inferred from the fact that while all this was perfectly notorious a regulation was published (dated 1st January 1848) sanctioning the transfer by the occupants of their interests in such leases, without one word of caution or protest that they would not be held to run for the full period.

But we are not left to inference or conjecture as to the construction put upon these words by the local Government, as the Sydney Government, which up to 1851 was the local Government of this colony, has given unequivocal evidence of its views on this point, by actually issuing leases for eight and fourteen years, and this since the discovery of gold, when there was everything to induce them to abridge the term as much as was consistent with good faith.

It is indeed stated that in a Despatch to Sir Charles FitzRoy, Earl Grey made use of some expressions inconsistent with this interpretation; but as this Despatch was not written until August 1849, and was, I believe, never published or extensively known, it could exercise no influence in guiding the public as to the construction of these words, and could in no wise be put in competition with a state paper published under the circumstances under which the former Despatches appeared.

It is also remarkable that Earl Grey, in his work upon Lord John Russell's colonial policy, published in 1853, again repeats the same statement, that leases in the unsettled districts are to be of fourteen years' duration. His words are, "In the unsettled districts, "where any such demand was for a long time unlikely to arise, the land was to be held for "fourteen years."

It is but a flippant explanation of this to say, as is done in the report, "that the language "in question is obviously the language of inadvertence, or a compendious expression by "which the maximum term is put for the variety of lesser terms limited by it." It is not probable that a statesman, knowing his words would carry weight with them, would, in dictating a state paper, or in writing at his leisure a review of his past policy, be guilty of such repeated inadvertencies, still less that he should invent a new figure of rhetoric, the very reverse of that, by which a part is put for the whole.

By a resolution of the Legislative Council of Victoria the 7th of April 1848 was fixed

upon as the date from which these leases should commence to run. This period was adopted by the Duke of Newcastle; and my view is, that compensation should be given to the occupant, should he be dispossessed of all or any part of his run previous to the expiration of eight or fourteen years respectively from that date, in any way not sanctioned by the ninth section of the Order in Council, and that such compensation should be measured in the following manner:—The value of land sufficient to graze a sheep should be taken at 5*s*., and that sufficient to graze one head of cattle at 40*s*. The estimated grazing capabilities should be spread acreably over its area at such a rate per acre, and an allowance of so much for every acre taken away should be made to the occupant. Payment to be made in land remission orders.

The occupation of the licensed occupants of Crown lands has been invaded in two ways, with the sanction of the Government:

1st. By persons engaged in the search or mining for gold.

2ndly. By the Government itself taking the land from the occupant, and submitting it to auction, to be bought by purchasers for the purpose of their private and individual enjoyment.

The sixth section, cap. 2., of the Order in Council says,—

"During the continuance of any lease of lands occupied as a run the same shall not "be open to purchase by any other person or persons except the lessee thereof."

And the ninth section contains the following proviso:—

"That nothing in these regulations or in any lease to be granted under the powers "hereby vested in the Governor shall prevent the said Governor or officer for the time "being administering the Government of the said colony from making grants or sales "of any lands within the limits of the run or lands comprised within such lease for "public purposes, or disposing of in such other manner as for the public interest may "seem best such lands as may be required for the sites of churches, schools, or parsonages, "or for the construction of high roads, or railways and railway stations, or other internal "communications, whether by land or water, or for the use and benefit of the aboriginal "inhabitants of the country, or for public buildings, or as places for the interment of "the dead, or places for the recreation and amusement of the inhabitants of any town "or village, or as the sites of public quays or landing places on the sea coast or shores "of navigable streams, or for the purpose of sinking shafts and digging for coals, iron, "copper, lead, or other minerals, or for any other purpose of public defence, safety, "utility, convenience, or enjoyment, or for otherwise facilitating the improvement and "settlement of the colony."

As regards the first of these invasions of the possession of the occupant, it appears to me that the search or mining for gold or other minerals is one of those public purposes which, under this section, justify the ouster of the occupant or the lessee, and that where he has been deprived of his holding in consequence of such a proceeding he is not legally entitled to compensation, and that whatever consideration is accorded him must be on the ground of individual hardship.

With respect, however, to the second class of cases I think that they stand in a different position. Taking the whole wording of the ninth section, it seems to me that the exceptions which it contains must be meant to refer to some mode of occupation for the benefit of the public as a whole, as distinguished from private enjoyment; and the enumeration of the particular instances shows this to be the case. The words "for any other purpose of public defence, safety, utility, convenience, or enjoyment," seem obviously meant to include any particulars of a similar nature which might have been omitted in the preceding enumeration; and the words for "otherwise facilitating the improvement or settlement of the colony" in like manner seem meant to supply any omission in the last enumeration of public purposes, namely, defence, safety, utility, convenience, and enjoyment.

Were this not the construction there would be no possible mode of alienating land which would not be included in the exceptions, which would thus become co-extensive with the grant, and nothing would in fact pass. And it would, in my mind, be derogatory to the Queen and Privy Council to put such a construction on these words, which would, in fact, be saying, that while pretending to make a grant they really conveyed nothing.

It is my opinion, therefore, that the occupants of Crown lands, on complying with certain forms, were entitled to demand leases for eight years in the intermediate, and for fourteen years in the unsettled districts, which leases the Governor was bound by law to issue. That where the rights which would have accrued to the occupants had leases been issued have been or shall be invaded during eight and fourteen years respectively from the 7th April 1848 they are entitled to compensation on the scale above mentioned. I am also of opinion that such invasion of their rights takes place where during that time land has been or shall be sold by the Government in the unsettled districts for the purpose of private and individual enjoyment, or in the intermediate districts for a like purpose, without complying with the provisions for the protection of the occupant which are contained in the Orders in Council.

CHARLES J. GRIFFITH.

VICTORIA.

PROTEST of JOHN O'SHANASSY, JOHN PASCOE FAWKNER, and WILLIAM NICHOLSON, Esquires.

WE feel ourselves bound to dissent from the conclusion adopted by the Commission in paragraph 81 with regard to the amount and the mode of ascertaining the rent proposed as an equivalent for the use and occupation of the vast tracts of Crown lands held under squatting tenure in Victoria.

We conceive that the Government, as trustees on behalf of the public, are called upon to obtain an adequate and equitable rent from the occupants of Crown lands, and that any attempt to renew or maintain inequitable class privileges, or the acquisition of wealth, by the use and enjoyment of the common public property on unfair terms, is calculated to engender deep and lasting sentiments of anger, weaken the attachment of the people to its Government, and retard most vitally the progress and prosperity of this country.

We therefore recommend as the basis of an equitable settlement the plan of arrangement embodied in the former of the two propositions mentioned in paragraph 82 of the report.

JOHN O'SHANASSY.
JOHN PASCOE FAWKNER.
WILLIAM NICHOLSON.

PROTEST of WILLIAM CLARK HAINES, Esquire.

I THINK it right in signing this report to record my dissent from certain of the recommendations with which it concludes, although I concur generally in the views expressed on the rights acquired by the pastoral interest under the Orders in Council.

Referring to Clause 82, which contains the recommendation of the Commission,—

I make no objections to the first recommendation, except this. I consider that the requirements of all classes of purchasers will be found very incongruous. Large capitalists, for instance, may require the land to be put up in continuous blocks of large area. If such a request be complied with it is clear that they will be relieved from the competition of capitalists of small means; and even admitting the alleged propriety of creating a conservative class of large landed proprietors in the colony, I see no practicable mode of preventing them from re-selling their lands, and exacting from the ultimate holders a profit that ought to belong to the public. The great difficulty in dealing with the public lands consists in affording a sufficiently liberal supply of land to meet the wants of the community, without creating a monopoly in favour of monied speculators who have no intention of rendering productive the lands they purchase.

With regard to the second recommendation, I consider that an advantage is here asked for which is far in excess of any contemplated by the Orders in Council, and the regulations of the local Government framed in pursuance of the order.

The order contemplates the gradual settlement of the colony, and prescribes different terms and conditions of occupation within certain limits, which are susceptible of alteration, from time to time, to meet the wants of an increasing population. These limits were defined on the supposition that the settlement of the colony would commence at the seaport towns, and gradually extend from them towards the interior. Within the settled districts the purchasers of land are entitled to a certain right of commonage under the order, and those who purchase to the extent of 640 acres to the privilege of acquiring a lease at a nominal rental of three times the area of their purchased land. Although this system, as will be stated hereafter, may be improved, still its existence shows that the Government recognized the necessity of placing the purchaser of Crown lands, who is not at the same time a licensed occupant, in a position to carry on his business without being subjected to an unfair competition on the part of the purchaser who buys land in the centre of a run held at a very low rental.

The necessity for this will be seen at once when the position of the purchaser of land from the Crown, who is not a licensed occupant, is compared with that of a purchaser whose purchase is surrounded by waste lands of which he is either the lessee or the licencee at a very small fee or rental.

The advantages professed by the latter are so considerable that a very brief consideration of them must inevitably bring us to the conclusion that as soon as any large quantity of land is under cultivation, and the prices of agricultural produce proportionably reduced, the purchaser of Crown lands who is not at the same time a licencee will be unable to compete with his more fortunate neighbour, and ultimately be driven out of the market. In the first place with regard to manure. The licensed occupant feeds his sheep during the day in large flocks on the native grasses of his run. At night they are folded on his purchased land, which is thus continually fertilized. The purchaser, in order to provide the same amount of manure, must produce, at a very heavy expense, particularly in the present state of the labour market, artificial food for the stock he keeps, and in most instances will be required to cart and spread the manure thus procured. If he cultivate only a small portion of his purchase, and feed his stock on the remainder, it is clear that for every acre employed in pasturage he pays as rent at least the interest of the purchase money, which, as the minimum price of land is 1*l.*, cannot be less than from 1*s.* 6*d.* to 2*s.* per acre.

The same remark applies to the production of food for his establishment and of working stock for his farm. Mutton grown on land held at a rental of 2*s.* per acre must be more expensive than that which may be fed on land of which the average rental is fixed at 2*d.* per acre. The same with working stock, which is cheaply produced on an extensive run, but is sold at a high profit to the purchaser of Crown lands who cannot afford to devote his purchase to mere grazing purposes when land contiguous to it is held at such a small rental.

These privileges are altogether ignored by the recommendation under consideration. If it be adopted the licensed occupant will be permitted to depasture his stock even in the unsold portion of townships, and the inhabitants will become dependent for the supplp of dairy produce, meat, and ultimately of corn, upon the terms which a monopolist has the power of imposing on them.

Since the discovery of gold large centres of population have been suddenly created far in the interior, and it is desirable that the purchasers of land in these localities should be placed on the same footing towards the licencee of the Crown that the purchaser within the settled districts occupies.

To give them this fair advantage the radii of the settled districts already existing must be extended so as to include the whole of the colony, or the system I have proposed be adopted.

I think this system, which has already been in operation in New South Wales, and ought to have been in operation in Port Philip, has advantages over that contained in the regulations now in force in the settled districts.

A right of commonage has been practically found of very little benefit to those who enjoy it.

And as the advantage of occupying lands under lease is confined to purchasers of at least 640 acres, the smaller holders are precluded from taking advantage of it altogether. This naturally creates dissatisfaction, and places a very useful class of the community at a serious disadvantage. If, however, within certain limits around the large centres of population, leases of sections of 640 acres were submitted to auction, every class of the community would have access to them, and they would fall into the hands of those who would turn them to the most profitable account. The smaller holders might form a common purse, as has occurred already when leases of such sections have been put up to auction; and although an individual might be unable to purchase the lease of a whole section, he might do so conjointly with others, and thus obtain a run for his working stock or his dairy cattle, or for a few sheep, which during certain portions of the year might be advantageously brought on his farm.

Such are the considerations which have induced me to propose a system of occupation which will be found on reference to the minutes.

The value of lands for grazing purposes varies not only with its grazing capabilities, but also with its local advantages, such as proximity to a market, &c. The only fair way of ascertaining this value is by auction; and although I do not consider it necessary to have recourse to this system generally throughout the colony, I consider it should be adopted in the neighbourhood of large areas of purchased lands.

The third recommendation I consider faulty because it bases the payment purely on the grazing capabilities of a run, without reference to advantages of position. I am convinced, in calculating the rental to be paid for occupation of Crown lands, we should take care that it bears an equitable proportion to the upset price.

The advantages of the course I propose is, that the whole question can be settled under the present Orders in Council, so soon as the power is delegated to the Governor to alter the limits of the various districts.

William Clark Haines.

Protest of William Forlonge, Esquire.

It is to me a matter of the most sincere regret that the report of the Crown lands Tenure Commission should be of such a nature as entirely to preclude the possibility of my attaching my signature thereto.

It is due to his Excellency the Governor, by whom I had the honour of being appointed a member of the Commission, as well as myself, that I should briefly state the reasons which have induced me to follow the course I now deem it my duty to adopt.

I do not feel myself called upon to make any very lengthened protest, as this would involve the necessity of entering into all the details of the arguments connected with the subject, more especially as the honourable the Speaker has in his protest (with a great portion of which I agree) gone fully into the matter.

First, I decline to sign the report, because it is not in accordance with the resolutions of the Commission.

The report assumes that no discretion is left to the Governor as to the issue of a lease, if demanded, but that full discretion is vested in him to determine the duration of the lease and the rent to be reserved therein.

VICTORIA.

This is clearly at variance with certain resolutions of the Commission, which were as follows —

8th December 1854.—It was moved, "That the Orders in Council made 9th March "1847 have or are entitled to have the force and effect of law in the colony." This resolution was lost by moving the previous question.

13th December 1854.—It was moved, "That the words of section 1., chapter 2., "'It shall be lawful' are mandatory on the Governor." This resolution was negatived.

29th March 1855.—It was moved, "That the words of the 11th section, chapter 2. "'All occupants of Crown lands who shall have been in licensed occupation of "'the same for at least one year at the time this Order in Council shall come into "'effect, are to be entitled to demand leases of their respective runs,' renders it "imperative on the Governor to comply with such demand, provided it be made "in conformity with such section." This resolution was negatived.

The principle ought not to be admitted that the report should embody any other than the resolutions of the Commission.

Second. Because were the recommendations of the Commission carried out a flagrant invasion of existing rights must inevitably take place, and attended with ruinous consequences to the pastoral interests of the colony, whose rights would be thus invaded, and no principle of compensation is laid down for such a contingency.

Third. Because were the recommendations of the Commission carried out the occupants of Crown lands would be subjected to an exorbitant and ruinous tax, without any evidence having been taken as to whether they were fairly and reasonably able to bear such further additional taxation, or the effect such additional taxation would have on their property; also how it would affect the community, seeing that a principal article of food would thus indirectly be also subjected to this grievous tax.

Fourth. Because the resolutions of the Commission (as quoted above) repudiate the rights and privileges which have arisen and been conceded to the occupants of Crown lands under Her Majesty's Orders in Council; they violate the pledged faith of the local Government, and they propose to treat the occupants of Crown lands rather as tolerated intruders than bonâ fide lessees of the Crown.

Fifth. Because I entirely dissent from the manner in which the facts and documents are set forth, not being in my opinion a fair and honest exposition of the subject to which they refer. I look upon the report as subtle, insidious, and one-sided. The reasoning and constructions throughout, constrained, forced, evasive, and special pleading, exhibiting a bias altogether destructive of the character of impartiality which ought to be the prominent feature of any report issuing from a Royal Commission.

Sixth. Because the report, if circulated and acted upon, would entail on the Government and the colony lasting disgrace, and be damnatory of the national credit and honour, by showing that the faith of the Government was of so fragile a character that upon the slightest outward pressure interests would be sacrificed that had existed for years long previous, upon the faith and understanding of which vast and accumulative transactions were daily taking place.

Seventh. Because the report does not show how the Commission was constituted, nor state that a majority of the members were selected from the ranks of the political enemies of the squatters, of men whose opinions and views were previously well known, and are on record as notoriously hostile to that class. I would not have it go forth to the world that a document countenancing anything like repudiation was the result of the deliberations of a fairly constituted body, representing the opinions of the colonists generally, but I would have it that it should go forth as the opinion of the leaders of that political party so long and so uncompromisingly the avowed political opponents of the squatters.

Eighth. Should the Executive Government insist on carrying out the recommendations of the Commission, I have little doubt (and to me it is a matter of the deepest and most profound regret that I feel myself called upon to give expression to such opinions) the occupants of Crown lands will resist such proceedings by every legal and constitutional means within their reach.

WILLIAM FORLONGE.

Despatches from the Secretary of State.

No. 1.

No. 1.

Copy of DESPATCH from the Right Hon. Sir George Grey to Governor Sir C. Hotham.

(No. 40.)

Sir, Downing Street, November 22, 1854.

With reference to the Duke of Newcastle's Despatch* of 29th November last, paragraph 28, informing Lieut.-Governor Latrobe that it was his intention to cause two Orders in Council to be prepared, the one empowering the alteration of the limits of districts for the purpose of occupation licences, the other to enable the Lieut.-Governor to substitute an assessment of stock for rent,—

* Vide Papers presented 10th August, 1854. Page 62.

I have now to enclose for your information a correspondence which has taken place between this department and the Attorney and Solicitor General, from which you will perceive that, according to the opinion of those gentlemen, Her Majesty in Council cannot legally make an order for the former purpose.

I transmit to you an Order in Council for the latter purpose; but you are aware that, under the provisions of 9 & 10 Victoria, c. 104. s. 6., this order can have no effect until six months after it shall have been laid before Parliament, of which due notice will be given.

18th Oct. 1854.

I have, &c.

Governor Sir Charles Hotham, &c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 1.

Encl. in No. 1.

At the Court at Windsor, the 18th day of October 1854.

PRESENT:

The Queen's most Excellent Majesty in Council, &c.

Whereas by an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty, intituled "An Act to amend an Act for regulating the sale "of waste land belonging to the Crown in the Australian colonies, and to make further "provision for the management thereof," it was enacted, that it should be lawful for Her Majesty, by Order in Council, amongst other things, to establish regulations respecting the more effectually making demises or licences of such waste land, and respecting the reservation on such demises or licences of rents: And whereas by an Order in Council, dated the 9th day of March 1847, provisions were made respecting the mode of tendering and receiving tenders for leases of runs therein-after called pastoral leases, and respecting the amount of rent to be paid for such runs during the currency and after the renewal of such leases: And whereas it may be expedient that the provisions of the said Order in Council should be altered in the above respects:

It is hereby ordered by the Queen's most Excellent Majesty, by and with the advice of Her Privy Council, that it shall be lawful for the Lieutenant-Governor of Victoria to cause a provision to be inserted in or endorsed on any pastoral lease declaring what rate of rent (not being less than 10*l.* per annum) shall be payable by the holder or holders of such lease during the currency and after any renewal thereof, and how such rent shall be calculated or assessed, and such rent shall be in lieu of the rent payable under the said Order in Council; and all the provisions of the said Order in Council respecting the payment and recovery of the said last-mentioned rent, and respecting the forfeiture of any lease for nonpayment thereof, shall apply to the rent declared by such provision so inserted in any lease as aforesaid:

Provided always, that no such provisions shall be inserted in or endorsed upon any lease which shall have been executed or promised before this Order in Council shall take effect, without the consent in writing of the person or persons holding or entitled to such lease.

And it is further ordered, that it shall be lawful for the Lieutenant-Governor, with the advice of his Executive Council, notwithstanding anything contained in the said Order in Council, to make such regulations as to him shall seem fit respecting the mode of tendering and receiving tenders for pastoral leases; provided that no such regulations shall take effect till they shall have been published in the Government Gazette.

VICTORIA.

And it is further ordered, that in the construction of this Order in Council the term Lieutenant-Governor shall mean the officer for the time being lawfully administering the government of the colony.

And it is further ordered, that this Order in Council shall take effect from a day to be fixed by proclamation of the Lieutenant-Governor.

And the Right Honourable Sir George Grey, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

WM. L. BATHURST.

No. 2.

No. 2.

COPY of DESPATCH from the Right Hon. Sir GEORGE GREY to Governor Sir CHARLES HOTHAM.

(No. 15.)

SIR, Downing Street, March 3, 1855.

* Page 71.

WITH reference to my Despatch, No. 40,* of the 22d of November last, enclosing an Order of Her Majesty in Council empowering the Governor of Victoria to make certain provisions respecting rent in leases of land for pastoral purposes, I have to acquaint you, that owing to some accident the order in question was omitted to be laid before Parliament within one month after the date of its meeting, as required by the sixth section of the Statute 9 & 10 Victoria, c. 104., and consequently that the order which was sent out as above adverted to has been deemed to be vitiated.

28th Feb. 1855.

Under these circumstances, it was thought expedient again to submit the same for the approval of Her Majesty in Council, and I now enclose to you a new Order in Council, in every respect identical with the last. It bears date the 28th of February, and was laid before Parliament on the 2d instant, and will be immediately inserted in the London Gazette.

You will bear in mind that this Order in Council can have no effect in the colony until the expiration of six months from the date at which it was laid before Parliament.

I have, &c.
(Signed) G. GREY.

Governor Sir Charles Hotham,
&c. &c. &c.

Encl. in No. 2.

Enclosure in No. 2.

At the Court at Buckingham Palace, the 28th day of February 1855.

PRESENT:

The Queen's most Excellent Majesty in Council, &c.

WHEREAS by an Act passed in the session of Parliament, held in the ninth and tenth years of the reign of Her present Majesty, intituled "An Act to amend an Act for regu-" lating the sale of waste land belonging to the Crown in the Australian colonies, and to make " further provision for the management thereof," it was enacted, that it should be lawful for Her Majesty, by Order in Council, amongst other things, to establish regulations respecting the more effectually making demises or licences of such waste land, and respecting the reservation on such demises or licences of rents. And whereas by an Order in Council, dated the 9th day of March 1847, provisions were made respecting the mode of tendering and receiving tenders for leases of runs therein-after called pastoral leases, and respecting the amount of rent to be paid for such runs during the currency and after the renewal of such leases: And whereas it may be expedient that the provisions of the said Order in Council should be altered in the above respects:

It is hereby ordered by the Queen's most Excellent Majesty, by and with the advice of Her Privy Council, that it shall be lawful for the Governor of Victoria to cause a provision to be inserted in or endorsed on any pastoral lease declaring what rate of rent (not being less than 10*l.* per annum) shall be payable by the holder or holders of such lease during the currency and after any renewal thereof, and how such rent shall be calculated or assessed; and such rent shall be in lieu of the rent payable under the said Order in Council; and all the provisions of the said Order in Council respecting the payment and recovery of the said last-mentioned rent, and respecting the forfeiture of any lease for nonpayment thereof, shall apply to the rent declared by such provision so inserted in any lease as aforesaid.

Provided always, that no such provisions shall be inserted in or endorsed upon any lease which shall have been executed or promised before this Order in Council shall take effect, without the consent in writing of the person or persons holding or entitled to such lease.

And it is further ordered, that it shall be lawful for the Governor, with the advice of his Executive Council, notwithstanding anything contained in the said Order in Council, to make such regulations as to him shall seem fit respecting the mode of tendering and receiving tenders for pastoral leases, provided that no such regulations shall take effect till they shall have been published in the Government Gazette.

And it is further ordered, that in the construction of this Order in Council the term Governor shall mean the officer for the time being lawfully administering the government of the colony.

And it is further ordered, that this Order in Council shall take effect from a day to be fixed by proclamation of the Governor.

And the Right Hon. Sir George Grey, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) Wm. L. Bathurst.

No. 3.

No. 3.

Copy of DESPATCH from the Right Hon. Sir George Grey to Governor Sir Charles Hotham.

(No. 24.)

Sir, Downing Street, March 16, 1855.

With reference to your Despatch, No. 100*, of the 20th of August last, and in pursuance of the request therein contained, I transmit to you herewith an Order of the Queen in Council, under date the 28th ultimo, empowering the Governor of Victoria to issue mining leases of lands not auriferous.

* Page 42.

I have to acquaint you, that this order was laid before both Houses of Parliament on the 8th of this month, within one month of the passing of the same, as required by the sixth section of the Statute 9 & 10 Victoria, cap. 104., and that it has likewise been published in the London Gazette.

You will find that the enclosed Order in Council is the same in all material points as the draft order which accompanied your Despatch above adverted to, and you will bear in mind that it can have no force in the colony of Victoria until the expiration of six months from the date at which it was laid before Parliament.

I have, &c.

Governor Sir Charles Hotham, &c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 3.

Encl. in No. 3.

At the Court at Buckingham Palace, the 28th day of February 1855.

PRESENT:

The Queen's most Excellent Majesty in Council, &c.

Whereas by an Act passed in the tenth year of Her present Majesty, intituled "An "Act to amend an Act for regulating the sale of waste land belonging to the Crown in "the Australian colonies, and to make further provision for the management thereof," Her Majesty was empowered to grant leases or licences for the occupation of any waste lands of the Crown in the colony of New South Wales (then including the present colony of Victoria) for any term of years not exceeding fourteen, and to make rules respecting the issue of such leases and licences, and respecting the reservation of any rents thereon, and the insertion therein of any conditions and clauses of forfeiture, and respecting any other matters and things which might be requisite for carrying into complete effect the occupation of such waste lands: And whereas it is expedient to authorize the issue of such leases and licences as may promote the working of mines (not being mines of gold or silver) on such waste land within the colony of Victoria:

It is hereby ordered by the Queen's most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, as follows:

1. It shall be competent for the Governor of Victoria to license any person or persons to search for mines (not being mines of gold or silver) on such waste lands of the Crown, and for such period not exceeding twelve months, as may be specified in such licence.

2. It shall be competent to the said Governor to grant to the holder of any such licence as aforesaid a lease for mining purposes of the whole or any part of the land specified in such licence.

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3. Every such lease shall be for a term not exceeding fourteen years, and shall be subject to a rent of not less than 10s. per acre per annum, to be paid in advance, and shall be assignable under such rules as shall be prescribed by the Governor, and shall be ipso facto forfeited if the rent shall not be paid when due; provided that it shall be competent to the Governor to remit such forfeiture, on such terms as he shall think fit.

4. The Governor may insert in such leases such conditions and clauses of forfeiture as he may think fit, and especially such as may seem to him necessary to secure the bonâ fide application of the land to mining purposes.

5. The extent of land to be comprised in such leases or licences, and the amount of rent to be reserved thereon, shall be regulated from time to time by the Governor, with the advice of his Executive Council.

6. At the expiration of every such lease the land comprised therein shall be open to sale by public auction, under such Government regulations as shall be then in force respecting such sales.

7. Every such lease shall declare whether and under what circumstances the lessee shall be entitled to compensation for improvements effected by him, and shall also declare the mode of estimating and paying such compensation.

8. In this Order in Council the word Governor shall include the Lieut.-Governor or officer for the time being administering the government of Victoria.

And the Right Hon. Sir George Grey, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) WM. L. BATHURST.

No. 4.

No. 4.

COPY of DESPATCH from the Right Hon. Sir GEORGE GREY to Governor Sir C. HOTHAM.

(No. 26.)

SIR, Downing Street, March 17, 1855.

* Page 45.

I HAVE to acknowledge the receipt of your Despatch, No. 149,* of 18th November, reporting the appointment of a Commission to inquire into the existing laws and usages in regard to the occupation of the waste lands of the Crown.

As in that Despatch you referred to the explanations which might probably be given by your predecessor personally on the subject of the failure which you alleged to have occurred in the attempt to effect a satisfactory arrangement through the course suggested in the Duke of Newcastle's instruction of 29th November 1853, and as such explanations had in part been given by Mr. Latrobe, a copy of your Despatch was communicated to that gentleman.

6th March 1855.

I now transmit for your information a copy of his reply, from which it appears that he had no such explanation to give, and you will observe that no information reached Her Majesty's Government from the colony on the subject.

I have, &c.

Governor Sir Charles Hotham, &c. &c. &c.

(Signed) G. GREY.

Encl. in No. 4.

Enclosure in No. 4.

SIR, 14, Hanover-street, March 6, 1855.

I HAVE to acknowledge receipt of your communication of the 29th ult., enclosing copy of a Despatch from the Lieut.-Governor of Victoria, reporting the appointment of a Commission to inquire into the existing laws and usages in regard to the occupation of the waste lands of the Crown, in the course of which Sir Charles Hotham observes, that, with reference to that question, I, his predecessor, would doubtless have personally informed the Secretary of State that all hope of effecting a satisfactory arrangement by the course suggested by his Grace the Duke of Newcastle's Despatch of 29th November 1853, No. 126, had fallen to the ground. My attention is further called to the mere acknowledgment of the receipt of the above Despatch which had been received from me, accompanied by the intimation that I had at once laid it before the legislature; and I am requested to give any explanation of the circumstances of the failure alleged by Sir Charles Hotham. In reply I take leave to remark that the Lieut.-Governor must have been under some misapprehension of the facts in making the above remark. At the time that I received the Despatch adverted to, and laid it before the legislature, a very long and protracted session was drawing towards a close; and I have no doubt but that the subject was felt on all hands to be of far too important and grave a nature to be then entered upon,

particularly as a change in the head of the Executive Government was very shortly looked for. No expression of the opinion of the Council reached me before the prorogation, which took place on the 12th April. Two days before my departure from the colony I received through the Colonial Secretary intimation of a memorial to the Lieut.-Governor having been prepared and adopted by certain gentlemen whose interests were involved in the solution of the questions at issue. Even had I received this memorial in due form, I could not, whatever its tenor might be, have held such memorial to have furnished sufficient ground for officially reporting to Her Majesty's Government the abandonment of all hope of satisfactory arrangement on the grounds proposed, however probable such failure might appear to be. As it was, the memorial, moreover, in due form never came into my hands; but it was understood that it would be handed to Mr. Foster, the Colonial Secretary, then about to undertake the administration of the Government, and be laid by him before the Executive Council, to be further dealt with as the Council might advise.

I may perhaps be permitted still to state my opinion that Sir Charles Hotham has taken the only and the best course open to him to obtain a settlement of the very difficult question before him; and further, that from my personal knowledge of the individuals included in the Royal Commission they have been fairly and well selected to represent the various interests at stake.

I have, &c.

Herman Merivale, Esq. (Signed) C. J. LATROBE.

No. 5.

No. 5.

COPY of DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir CHARLES HOTHAM.

(No. 7.)

SIR, Downing Street, May 12, 1855.

As the measures for the repeal of the Waste Lands Acts, and placing the land revenue at the disposal of the local Government and legislature, are in preparation, I wish to call your attention to the suggestions respecting reserves on the River Murray contained in Sir Henry Young's Despatch* of 17th September 1853, of which I transmit a copy.

You will be best able to judge, with the advice of your Council, whether any early measures are requisite, or whether it is better to leave the subject to future consideration.

I have, &c.

Governor Sir Charles Hotham, &c. &c. &c. (Signed) J. RUSSELL.

No. 6.

No. 6.

COPY of DESPATCH from the Right Hon. Sir WILLIAM MOLESWORTH to Governor Sir CHARLES HOTHAM.

(No. 12.)

SIR, Downing Street, August 22, 1855.

I HAVE received your Despatch, No. 62,† of the 16th of May last, requesting, with reference to your previous Despatch† on the same subject, No. 40, of the 6th of March, that you may be empowered to make such alterations in the districts of the Crown lands as may appear to you most beneficial to the interests of the colonists at large. † Page 46.

In reply, it is only necessary that I should refer you to section four of the Imperial Act (sent out to you by the mail of the 4th instant), 18 & 19 Vict. cap. 56., "to repeal the Acts of Parliament now in force respecting the "disposal of the waste lands of the Crown in Her Majesty's Australian "colonies," which makes it lawful for the legislature of Victoria, under certain restrictions, to alter and amend any Order in Council which may have been passed under the authority of the former amending Act, now repealed, 9 & 10 Vict. cap. 104.

I have, &c.

Governor Sir Charles Hotham, &c. &c. &c. (Signed) W. MOLESWORTH.

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* Printed in House of Commons Paper, No. 89, March 1854.

VICTORIA.

No. 7.

No. 7.

Copy of DESPATCH from the Right Hon. H. Labouchere to Governor Sir Charles Hotham.

(No. 48.)

Sir, Downing Street, December 31, 1855.

* Page 47.

I have received your Despatch, No. 104,* of the 9th of August last, accompanied by a report of the Commission appointed to inquire into the tenure of the waste lands of the Crown in Victoria.

You state that you have deemed it prudent and advisable to allow this important question to stand over until the next session of the legislature. I shall abstain, therefore, from making any remarks upon it until receiving the further report which may be expected from you on the subject.

I have, &c.

Governor Sir Charles Hotham, (Signed) H. LABOUCHERE.
&c. &c. &c.

No. 8.

No. 8.

Copy of DESPATCH from the Right Hon. H. Labouchere to the Officer Administering the Government of Victoria.

(No. 53.)

Sir, Downing Street, June 27, 1856.

India Board, 28th May 1856, page 38.

Colonial Office, 27th June 1856, page 39.

I enclose for your information copy of a correspondence between the Commissioners for the Affairs of India and this department, respecting the disadvantage at which retired officers of the East India Company's service are placed, as compared with officers of Her Majesty's forces, in not being allowed, on becoming settlers in the colonies, similar advantages in respect of the acquisition of land.

You will perceive that I have informed Sir George Clerk that as regards the colony under your Government the East India Company's officers cannot now be placed by Her Majesty's Government on the same footing with officers of the Queen's service; but that it is open to the local Government to do away with the distinction, if they should think proper.

I have, &c.

The Officer Administering (Signed) H. LABOUCHERE.
The Government of Victoria,
&c. &c. &c.

SOUTH AUSTRALIA.

SOUTH AUSTRALIA.

Despatches from Governor Sir H. E. F Young, Acting Governor Finniss, and Governor Sir R. G. MacDonnell.

No. 1.

No. 1.

Copy of DESPATCH from Governor Sir H. E. F. Young to the Duke of Newcastle.

(No. 36.) Adelaide, April 6, 1854.

My Lord Duke, (Received July 18, 1854.)

I have the honour of transmitting the usual quarterly return of Crown lands sold to the 31st ultimo, amounting to 81,838*l.* 4*s.*

I have, &c.

His Grace the Duke of Newcastle, (Signed) H. E. F. YOUNG.
&c. &c. &c.

Encl. in No. 1.

Enclosure in No. 1.

Return of Lands sold and Amount realized during the Quarter ended 31st March 1854.

Description of Sale.	Area.			Amount realized.			Remarks.
	A.	R.	P.	£	s.	d.	
By public auction -	36,287	0	0	63,953	0	0	* The difference between the amount realized in pounds and the number of acres in the sales by private contract is explained by the deposits having been forfeited upon several sections run up at auction considerably above the upset price, the purchaser in which case does not obtain the section at one pound per acre, but completes the purchase of the person forfeiting by paying the balance of the amount bid.
By private contract*	17,285	0	0	17,885	4	0	
Total -	53,572	0	0	81,838	4	0	

1st April 1854. W. H. Freeling, Capt. R.E., Surveyor-General.

No. 2.

No. 2.

Copy of DESPATCH from Governor Sir H. E. F. Young to the Duke of Newcastle.

(No. 58.) Adelaide, July 7th, 1854.

My Lord Duke, (Received October 6, 1854.)

I have the honour of enclosing the usual return of the sale of Crown lands, by public auction and by private sale, during the quarter ended the 30th ultimo, amounting to 145,549*l.*

I have, &c.

His Grace the Duke of Newcastle, (Signed) H. E. F. YOUNG.
&c. &c. &c.

Encl. in No. 2.

Enclosure in No. 2.

Return of Lands sold and Amount realized during the Quarter ended 30th June 1854.

Description of Sale.	Area.			Amount realized.			Remarks.
	A.	R.	P.	£	s.	d.	
By public auction -	66,309	0	0	132,220	10	0	* The difference between the amount realized in pounds and number of acres in sales by private contract is explained by deposits having been forfeited upon several sections run up at auction considerably above the upset price, the purchaser in which case does not obtain the section at one pound per acre, but completes the purchase of the person forfeiting by paying the balance of the amount bid.
By private contract*	12,549	0	0	13,328	19	0	
Total -	78,858	0	0	145,549	9	0	

7th July 1854. G. W. Goyder, Acting Deputy Surveyor-General, in absence of Surveyor-General on Duty.

SOUTH AUSTRALIA.

No. 3.

No. 3.

COPY of DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Sir G. GREY, Bart.

(No. 88.) Adelaide, October 9, 1854.

(Received January 25, 1855.)

SIR,

I HAVE the honour of enclosing the usual return of the sale of Crown lands, by public auction and by private sale, during the quarter ended the 30th September last, amounting to 88,715*l.* 4*s.*

I have, &c.
(Signed) H. E. F. YOUNG.

The Right Hon. Sir G. Grey, Bart., G.C.B.,
&c. &c. &c.

Enclosure in No. 3.

Encl. in No. 3.

RETURN of Lands sold and Amount realized during the Quarter ended 30th September 1854.

Description of Sale.	Area.			Amount realized.			Remarks.
	A.	R.	P.	£	s.	d.	
By public auction -	42,956	1	9	80,834	5	0	* The difference between the amount realized in pounds and number of acres in the sales by private contract is explained by deposits having been forfeited upon several sections run up at auction considerably above the upset price, the purchaser in which case does not obtain the section at one pound per acre, but completes the purchase of the person forfeiting by paying the balance of the amount bid.
By private contract*	6,991	0	0	7,880	19	0	
Total -	49,947	1	9	88,715	4	0	

2d October 1854.

W. H. FREELING, Capt. R.E.,
Surveyor-General.

No. 4.

No. 4.

COPY of DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Sir G. GREY, Bart.

(No. 92.) Adelaide, October 12, 1854.

(Received January 25, 1855.)

SIR,

In my Despatches of the numbers and dates noted in the margin allusion was made to the recent occupation of new country for pastoral purposes in the northern districts of the colony; and I have now to report my return on the 6th instant from a journey on horseback to Port Augusta at the head of Spencer's Gulf, a locality well fitted by nature to be for the future a most important and convenient shipping place for the extensive tracts of country north of Mount Remarkable. This latter district, 160 miles distant from Adelaide, was until lately regarded as the limit of settlement northwards; the pastoral interests have, however, extended themselves not less than 200 miles still further to the north, with good prospect of attaining at no distant period a still greater extension.

No. 6. of 27th May 1853.
No. 34. of 30th March 1854.

2. Port Augusta is in latitude 32° 30′ south, and 137° 46′ east longitude, and is distant from Adelaide 220 miles.

The western side of Flinder's Range, of which the highest elevation is 3178 feet above the sea, is distant from Port Augusta about 17 miles. The intervening plain is at present used for pasture, and maintains stock in very fine condition. At one station irrigation is practised very successfully, on a small scale at present, but capable of considerable extension. Water is found in the numerous gorges of the hills on both sides of Flinder's Range; and in the wet season streams run into the plains. For a few miles from the base of the hills, on both sides of the range, the ground is profusely covered with loose stones; but lower down the plains present no kind of impediment to the use of the plough, and the soil appeared good. The nearest fresh water to the port at

SOUTH AUSTRALIA

the time of my visit was distant six miles, but there was every prospect that it would soon be found much nearer.

There is no bar, difficulty, or obstruction of any kind at Port Augusta; the bank is steep, composed of limestone and cockle shells; the water deep, and clear of weed, approached from firm ground. The fall of tide is six feet, but when westerly or southerly winds prevail the water rises considerably above the ordinary tides; the distance from high-water mark to low water about thirty paces; the soundings from five to six fathoms at low water. It is perfectly land locked and sheltered; of an average breadth of about 400 yards; and the anchorage extends in length for about three or four miles. It is easily approached; sailing vessels, however, in the event of a foul wind, would require to be towed or warped up to the anchorage ground in front of the intended town, the channel being too narrow for beating.

Port Augusta appears to me to form a most convenient and commodious natural dock, adapted to vessels of any size. The town allotments hitherto exposed to sale, and having a water façade, averaged a price per acre exceeding 240*l.*

About ninety miles from Port Augusta there is a remarkable natural basin known as the Pound, surrounded by rugged and precipitous hills, and enclosing about thirty-five square miles of good land, well timbered, and watered by numerous springs. The only outlet is a narrow gorge, scarcely practicable for horsemen, and through it issues a fine stream called the Passmore, watering an extensive pastoral country, and losing itself in Lake Torrens.

The Pound or basin in question is situated in a broken range, separated from Flinder's Range by an extensive valley. This valley is traversed by the Willochera Creek, commencing near Mount Remarkable, and traceable for eighty miles along the plain until it crosses the range south of Mount Eyre, and disappears in Lake Torrens.

The routes known at present through Flinder's Range to Port Augusta are:—

First, by the south of Mount Eyre over sixty-five miles of salt bush plain, so level and direct that a carriage could easily be driven from one to the other, without deviating ten yards from a straight line between these two places.

The second pass is fifty miles lower down through Flinder's Range by the Pichirichi Valley, sixteen miles in length. This route would require considerable outlay to make it practicable for drays.

The third pass is still lower down, through a well-grassed valley, six miles in length, where a surveyor and a party of twenty-five men (since increased by fifteen more) had been despatched shortly before my visit, and were then at work on the formation of an excellent carriage road, with every prospect of completing it in three months from the time it was commenced. This useful work, when satisfactorily completed, will redound highly to the skill and judgment of Mr. Nott, the surveyor, who has overcome formidable difficulties.

Fourteen hundred bales of wool are expected to be despatched to Port Augusta through this pass in the course of the next month or two. Through this and the other passes the wool of the north and north-eastern districts will in future be conveyed in fast increasing quantities, as cattle runs will generally be converted into sheep runs by reason of the facility for the shipment of wool direct to Europe afforded at Port Augusta.

The number of new runs claimed in this district is already 150, averaging not less than fifty square miles each. The immediate augmentation of the land revenue will not be less than 3,000*l.* per annum. At Charlton, fifteen miles south of Flinder's Range, and also at Mount Remarkable, there are surface indications of copper mines.

Under the existing regulations of reward to the discoverers of minerals, leases from the Crown for mining purposes have been recently claimed by different individuals at Mount Brown and three other places in or near to Flinder's Range, and consequently within convenient distance of Port Augusta.

The stratum of slate, and its alternation with iron band, and other indications exhibited in the section of the cutting through the third pass of Flinders' Range, have led some Durham and Welsh miners now at work with Mr. Nott's road party to expect that coal may be ascertained by boring to exist at no great depth.

SOUTH AUSTRALIA.

In conclusion, I may state that this northern new pastoral country extends even at present over an area exceeding by four times that of the waste Crown lands of all the other districts together hitherto appropriated to cattle and sheep in South Australia.

The exclusive use of so large a territory for merely pastoral purposes will last, as I think, only during that longer or shorter period of time during which the population may be, as at present, extremely scanty, for in other respects I saw no peculiar inaptitude of the soil for cultivation,—at least in numerous localities.

I have, &c.

The Right Hon. Sir G. Grey, Bart., G.C.B., &c. &c. &c. (Signed) H. E. F. YOUNG.

No. 5.

No. 5.

Copy of DESPATCH from Acting Governor Finniss to the Right Hon. Sir G. Grey, Bart.

(No. 6.) Adelaide, January 8, 1855.
(Received April 9, 1855.)

Sir,

I have the honour to enclose a return of Crown lands sold by public auction and by private contract during the quarter ended 31st December 1854. £64,518. 8s.

I have, &c.

The Right Hon. Sir G. Grey, Bart., G.C.B., &c. &c. &c. (Signed) B. T. FINNISS.

Enclosure in No. 5.

Encl. in No. 5.

Return of Land sold and Amount realized for the Quarter ending 31st December 1854.

Description of Sale.	Area.			Amount realized.			Remarks.
	A.	R.	P.	£	s.	d.	
Private contract* -	3,136	0	0	4,880	13	0	* The difference between the amount realized in pounds and number of acres in sales by private contract is explained by deposits having been forfeited upon several sections run up at auction considerably above the upset price, the purchaser in which case does not obtain the section at one pound per acre, but completes the purchase of the person forfeiting by paying the balance of the amount bid.
Public auction -	34,338	0	38	59,637	15	0	
Total -	37,474	0	38	64,518	8	0	

6th January 1855.

W. H. Freeling, Capt. R.E.,
Surveyor-General.

No. 6.

No. 6.

Copy of DESPATCH from Acting Governor Finniss to the Right Hon. Sir G. Grey, Bart.

(No. 28.) Adelaide, April 5, 1855.
(Received, July 2, 1855.)

Sir,

I have the honour of enclosing a return of Crown lands sold and amount realized during the quarter ended 31st March last, amounting to 62,686*l.* 13*s.*

I have, &c.

The Right. Hon. Sir G. Grey, Bart., G.C.B., &c. &c. &c. (Signed) B. T. FINNISS.

SOUTH AUSTRALIA.

Encl. in No. 6.

Enclosure in No. 6.

RETURN of Lands sold and Amount realized during the Quarter ended 31st March 1855.

Description of Sale.	Area.			Amount realized.			Remarks.
	A.	R.	P.	£	s.	d.	
By public auction -	31,759	3	16	50,433	5	0	* The difference between the amount realized in pounds and the number of acres in the sales by private contract is explained by the deposit forfeited upon several sections run up at auction considerably above the upset price, the purchaser in which case does not obtain the section at one pound per acre, but completes the purchase of the person forfeiting by paying the balance of the amount bid.
By private contract*	11,951	0	0	12,253	8	0	
Total -	43,710	3	16	62,686	13	0	

2d April 1855.

G. W. GOYDER,
for Surveyor-General, absent on Duty.

No. 7.

No. 7.

COPY of DESPATCH from Governor Sir R. G. MACDONNELL to the Right Hon. Lord JOHN RUSSELL.

(No. 9.) July 18, 1855.
(Received Oct. 22, 1855.)

MY LORD,

I HAVE the honour to enclose the usual returns of Crown lands sold, by public auction and by private contract, during the quarter ended the 30th June ultimo, amounting to 51,156*l.* 8*s.*

I have, &c.
(Signed) RICHARD GRAVES MACDONNELL,
Governor-in-Chief, South Australia.

The Right Hon. Lord John Russell,
H.M. Principal Secretary of State.

Encl. in No. 7.

Enclosure in No. 7.

RETURN of Lands sold and Amount realized for the Quarter ended 30th June 1855.

Description of Sale.	Area.			Amount realized.			Remarks.
	A.	R.	P.	£	s.	d.	
Public auction -	28,058	2	6	42,235	0	0	* The difference between the amount realized in pounds and number of acres in sales by private contract is explained by deposits having been forfeited upon several sections run up at auction considerably above the upset price, the purchaser in which case does not obtain the sections at one pound per acre, but completes the purchase of the person forfeiting by paying the balance of the amount bid.
Private contract* -	8,844	0	0	8,921	18	0	
Total -	36,902	2	6	51,156	18	0	

2d July 1855.

W. H. FREELING, Captain R.E.,
Surveyor-General.

No. 8.

No. 8.

COPY of DESPATCH from Governor Sir R. G. MACDONNELL to the Right Hon. Lord JOHN RUSSELL.

(No. 29.) Government House, Adelaide, October 3, 1855.
(Received Jan. 18, 1856.)

MY LORD,

I HAVE the honour to enclose a return of the land sold and the amount realized (66,560*l.* 12*s.*) during the quarter ended 30th September 1855.

I have, &c.
(Signed) RICHARD GRAVES MACDONNELL,
Governor.

The Right Hon. Lord John Russell,
H.M. Principal Secretary of State.

SOUTH AUSTRALIA.

Encl. in No. 8.

Enclosure in No. 8.

RETURN of Lands sold and Amount realized during the Quarter ended 30th Sept. 1855.

Description of Sale.	Area.			Amount realized.			Remarks.
	A.	R.	P.	£	s.	d.	
Public auction -	34,709	0	13	52,432	5	0	*The difference between the amount realized in pounds and the number of acres in the sales by private contract is explained by deposits having been forfeited upon several sections run up at auction considerably above the upset price, the purchaser in which case does not obtain the section at one pound per acre, but completes the purchase of the person forfeiting by paying the balance of the amount bid.
Private contract* -	13,929	0	0	14,128	7	0	
Total -	48,678	0	13	66,560	12	0	

1st October 1855.

W. H. FREELING, Captain R.E.,
Surveyor-General.

No. 9.

No. 9.

COPY of DESPATCH from Governor Sir R. G. MACDONNELL to the Right Hon. Sir W. MOLESWORTH, Bart.

(No. 54.) Government House, Adelaide, January 4, 1856.
(Received April 23, 1856.)

SIR,

I HAVE the honour to transmit herewith a return of lands sold and amount realized during the quarter ended the 31st December 1855, showing that 43,674 acres 1 rood were sold and 57,560*l.* 13*s.* were realized.

I have, &c.
(Signed) RICHARD GRAVES MACDONNELL,
Governor.

The Right Hon. Sir W. Molesworth, Bart.,
H.M. Principal Secretary of State.

Encl. in No. 9.

Enclosure in No. 9.

RETURN of Lands sold and Amount realized during the Quarter ended 31st Dec. 1855.

Description of Sale.	Area.			Amount realized.			Remarks.
	A.	R.	P.	£	s.	d.	
By public auction -	31,352	1	0	45,196	15	0	*The difference between the amount realized in pounds and the number of acres in the sales by private contract is explained by the deposits being forfeited upon several sections run up at auction considerably above the upset price, the purchaser in which case does not obtain the section at one pound per acre, but completes the purchase of the person forfeiting by paying the balance of the amount bid.
By private contract* -	12,322	0	0	12,363	18	0	
Total -	43,674	1	0	57,560	13	0	

4th January 1856.

W. H. FREELING, Captain R.E.,
Surveyor-General.

No. 10.

No. 10.

COPY of DESPATCH from Governor Sir R. G. MACDONNELL to the Right Hon. H. LABOUCHERE.

(No. 73.) Government House, Adelaide, April 3, 1856.
(Received July 7, 1856.)

SIR,

I HAVE the honour to transmit herewith a return of lands sold and amount realized during the quarter ended 31st March 1856, showing that 34,588 acres 1 rood were sold and 48,368*l.* 2*s.* realized.

I have, &c.
(Signed) RICHARD GRAVES MACDONNELL,
Governor.

The Right Hon. H. Labouchere,
H.M. Principal Secretary of State.

SOUTH AUSTRALIA.

Encl. in No. 10.

Enclosure in No. 10.

RETURN of Lands sold and Amount realized during the Quarter ended 31st March 1856.

Description of Sale.	Area.			Amount realized.			Remarks.
	A.	R.	P.	£	s.	d.	
By public auction -	25,116	1	0	38,605	15	0	*The difference between the amount realized in pounds and the number of acres in the sales by private contract is explained by the deposits being forfeited upon several sections run up at auction considerably above the upset price, the purchaser in which case does not obtain the section at one pound per acre, but completes the purchase of the person forfeiting by paying the balance of the amount bid.
By private contract* -	9,472	0	0	9,762	7	0	
Total -	34,588	1	0	48,368	2	0	

2d April 1856.

W. H. FREELING, Captain R.E.,
Surveyor-General.

Despatch from the Secretary of State.

No. 1.

No. 1.

Copy of DESPATCH from the Right Hon. H. Labouchere to Governor Sir R. G. MacDonnell.

(No. 31.)

Sir, Downing Street, June 27, 1856.

I enclose for your information copy of a correspondence between the Commissioners for the Affairs of India and this department, respecting the disadvantage at which retired officers of the East India Company's service are placed as compared with officers of Her Majesty's forces, in not being allowed, on becoming settlers in the colonies, similar advantages in respect of the acquisition of land.

India Board, 28th May 1856, page 38.

Colonial Office, 27th June 1856, page 39.

You will perceive that I have informed Sir George Clerk that, as regards the colony under your Government, the East India Company's officers cannot now be placed by Her Majesty's Government on the same footing with officers of the Queen's service; but that it is open to the local Government to do away with the distinction, if they should think proper.

I have, &c.

(Signed) H. LABOUCHERE.

Sir R. G. Macdonnell,
&c. &c. &c.

WESTERN AUSTRALIA.

WESTERN AUSTRALIA.

Despatches from Governor FitzGerald.

No. 1.

No. 1.

EXTRACT of DESPATCH from Governor FITZGERALD to the Right Hon. Sir GEORGE GREY (No. 108.), dated Government House, Perth, September 18, 1854, received December, 5, 1854.

"No. 6. An ordinance to regulate the mode of awarding compensations for "town lands resumed by the Governor on behalf of the Crown, one of the most "important ordinances of the session, andwhich well merits the attention of Her "Majesty's Government, and upon which I shall have occasion to address a "separate Despatch, when transmitting a memorial arising out of a resumption "of land for public purposes.

"This ordinance does not at all impair the former power of the Governor "to resume land for public purposes, but enjoins a different mode of awarding "compensation, by the appointment of a Board or Commission, having authority "to fix the amount of compensation, by the Government."

Enclosure in No. 1.

Encl. in No. 1.

WESTERN AUSTRALIA.

ANNO DECIMO SEPTIMO VICTORIÆ REGINÆ.

No. 6.

AN ORDINANCE* to regulate the Mode of awarding Compensations for Town Lands resumed by the Governor on behalf of the Crown.

WHEREAS by the terms of Crown grants now in use of lands on town sites the Governor is empowered to resume such portions of land as he may deem necessary for making roads, canals, bridges, towing paths, or other works of public utility or convenience: And whereas doubts have arisen as to the compensation which can be claimed for land resumed under such power; And whereas it is expedient that the amount of such compensation be fixed by impartial persons, duly authorized to make the necessary inquiries: Be it therefore enacted by his Excellency the Governor of Western Australia and its dependencies, by and with the advice and consent of the Legislative Council thereof, that from and after the first day of June 1854, before land situated on town sites be resumed, compensation therefor be tendered and awarded in the following manner and form:

Preamble.

II. That in all cases of any intended resumption as aforesaid the Colonial Secretary shall cause a notice in or to the effect of the following form to be published thrice consecutively in the Government Gazette of the said colony, and a copy thereof to be affixed on some portion of the land intended to be resumed:—

Notice to party.

To all persons interested in [*here designate the allotment*]: Take notice, that the Governor, by and with the advice of the Executive Council, deems it necessary for [*here describe the purpose intended*] to resume the under-mentioned portion of the land above designated [*here describe minutely the land to be resumed*], a plan of which is to be seen in the office, and the sum of is hereby tendered in compensation therefor. You are requested to notify to me in writing, within days from the date hereof, whether you accept this tender, or claim a larger amount, otherwise the lands above described will be resumed on behalf of the Crown on the terms herein proposed. You will not be entitled to any compensation for or in respect of any improvement of such land commenced or continued after this notice. Dated day of .

(Signed) *A.B.*, Colonial Secretary.

III. That in case such notification so required by the Colonial Secretary by notice aforesaid be not duly given within the number of days specified in such notice, it shall be lawful for the Governor to resume, on behalf of the Crown, the land referred toby such notice, on the terms tendered therein; and the person or persons interested in such land shall not be entitled to any further compensation.

If not complied with Government may resume.

IV. In case such compensation so tendered be refused, the Governor shall nominate and appoint one commissioner, the person or persons interested as aforesaid in such land shall appoint a second, and these two shall choose and name a third, which three commissioners shall constitute a board, the award of a majority of whom shall be final.

Three Commissioners.

---

* Her Majesty's Assent to this Ordinance was conveyed in Lord John Russell's Despatch, No. 14, of the 20th April, 1855.

V. That the person or persons interested as aforesaid, or his or their representatives, and the Crown Solicitor or other person appointed on behalf of the Government, shall respectively be allowed to address the Board, and adduce any oral or documentary evidence.

VI. That this Board shall appoint one of their number as chairman, and before proceeding to business each of the three Commissioners shall make the following declaration:— Chairman.

I *A.B.* do solemnly and sincerely declare, that I will hear without favour or partiality all admissible evidence tendered in this matter, and that I will deliver my true and faithful judgment according to such evidence.

VII. That the Chairman of such Board shall administer to every witness produced before him an oath or affirmation to the following effect:—

The evidence you give before this Board in this matter shall be given without fear, favour, or affection to either party, and therein you shall speak the truth, the whole truth, and nothing but the truth. So help you God. Oath.

VIII. That the award of such Board be forwarded to the Colonial Secretary, signed by all the members of the Board, or a majority thereof. Award.

IX. That in the event of the Commissioners being so divided in opinion that they make no definite award, the sum tendered in the original notice shall be deemed amply sufficient and legally established, and paid to the party as aforesaid. If divided, original tender paid.

X. That in the event of such Board awarding a sum not greater than the amount tendered in the notice, or not awarding as aforesaid any definite sum, the person or persons refusing the amount so tendered shall pay his or their own costs, and one half the entire expenses of the Commission. Costs.

XI. That should the said Board award a sum exceeding the amount tendered in the first instance in the notice as aforesaid, all such costs shall be defrayed by the Government, being first taxed, if required, by the registrar clerk of the civil court, according to the scale for the time being in force in such court. When the Government pay costs.

XII. That after the award so forwarded to the Colonial Secretary, it shall be lawful for the Governor to resume the land by proclamation, as usual, or not, according to his discretion, to be exercised within fourteen days after the receipt by the Colonial Secretary of such award, it being enacted that in all such cases of waiver by the Governor of resumption the entire expenses of the inquiry shall be defrayed by the Government. Government may waive; in such case costs paid by Government.

XIII. That the fees to be paid to each Commissioner shall be one guinea per day for loss of time and maintenance, and mileage for travelling expenses at the rate of one shilling a mile one way. Fees to Commissioners.

CHARLES FITZGERALD,
Governor and Commander-in-Chief.

Passed the Legislative Council, the 17th day of May 1854.

A. O'GRADY LEFROY,
Clerk of the Council.

CHARLES FITZGERALD,
Governor, &c.

No. 2.

No. 2.

COPY of DESPATCH from Governor FITZGERALD to the Right Hon. Sir G. Grey, Bart.

(No. 80.) Government House, Perth, July 20, 1855.

(Received October 25, 1855.)

(Answered, No. 4, December 3, 1855, page 92.)

SIR,

I do myself the honour to transmit the accompanying report and journal of an exploring expedition*, sanctioned in Despatch, No. 21†, February 17, 1854, by Her Majesty's Government, and despatched by the local Government in the early part of the month of July 1854, at the earnest and pressing solicitation of the colonists at large of all classes, who liberally, as will appear, subscribed in money and horses no less a sum than 620*l.* in aid of its outfit, the local Government bearing the remaining portion of its cost, amounting in round numbers to the further sum of 1,100*l.*, a sum considerably in excess of that first estimated.

† Vide Papers presented 10th Aug. 1854, page 96.

2. The command of the expedition was intrusted to Mr. Austin, one of the assistant surveyors in the office of the Surveyor-General; a gentleman, I believe, from his general acquirements, physical powers, and long experience of bush

* This Report and Journal being very voluminous they are not included in the present papers.

WESTERN AUSTRALIA.

life, peculiarly adapted to carry out such a service; an opinion fully, as you will see, concurred in by all the subscribers to the expedition, and the more so as Mr. Austin was an anxious volunteer on the occasion.

3. Mr. Austin had under his command ten volunteers, most, if not all, like himself, well experienced in bush life, and well armed for any contingency, with 120 days' rations, and no less than 27 horses, some for saddle, the remaining number well appointed with packsaddles for carrying the amount of rations just specified. In short, I can have no hesitation in thinking that no expedition for its numbers and strength ever quitted any part of the Australian continent better equipped for the object it had in view; namely, the leaving no means untried to further develop the resources of the colony, by the most extensive search for large tracts of pasture and grazing country, so absolutely required to meet the every day increasing wants on this head of flocks and herds, now getting far too numerous for the amount of known pasture available for their use.

4. On reference to the Colonial Secretary's letter of instructions to Mr. Austin it will be seen the local Government as well as the most experienced settlers thought the desirable discovery of new grazing country was more likely, from the opinion of the natives, coupled with many other reasons corroborative of that view, to be found by proceeding in a N.E. direction from the district of Northam, 20 miles north of York, towards Cape Cuvier, embracing in the course of this intended line of exploration (a distance of between 600 and 700 miles) a close survey and examination of the country watered by the River Gascoigne, which discharges itself into Sharks' Bay.

5. To meet the possible case of Mr. Austin's provisions being exhausted by the time he reached the mouth of the Gascoigne, or any other contingency that might arise, he was given to understand that arrangements would be made to despatch a vessel to the mouth of the Gascoigne in sufficient time to meet him there, with a further supply of provisions, and forage for his horses, and that he was to consider the vessel at his disposal for any purpose of marine survey or exploration in the vicinity of Cape Cuvier for the space of 60 days, preconcerted signals and arrangements having been submitted to Mr. Austin that he was to make on reaching the coast, as also those that would be made by the vessel to warn him of her arrival off the mouth of the Gascoigne should he have reached that vicinity previously.

6. The vessel arrived in due course in Sharks' Bay anchoring, close off the mouth of the Gascoigne, as will appear by Mr. Philips' report of his proceedings to the Colonial Secretary, and after waiting there 60 days, neither hearing or seeing anything of Mr. Austin or party, returned again to Fremantle, in accordance with the instructions given. Mr. Austin having been all this time struggling with almost insuperable difficulties in his progress, having lost the greater part of his horses by poison, and his men suffering the most painful privations from want of water, and to such an extent as obliged them to resort to measures that under other circumstances would be deemed revolting, the men having been previously without any water for two days, and the horses three, 18 of the latter having died up to this period, being October 29.

7. In this painful and distressing situation Mr. Austin, after giving his party a noble example of undaunted courage and perseverance, coupled with proof of great physical power of endurance, seeing his men totally beaten, and incapable of further exertion, and the country around, as far as he had explored, giving not the slightest promise of water, on the contrary, as he states, appearing as arid as the Arabian Desert, with only 12 days' provisions, determined, and I am of opinion not one hour too soon, on the 29th October, in latitude 26° 15′ and longitude 115° 12′, after 109 days struggling, to abandon all hope of reaching either the bottom of Sharks' Bay or the mouth of the Gascoigne, the former being by his reckoning only 50 miles distant and the latter 100 miles.

8. It appears that Mr. Austin and party continued to suffer considerably on their return to his former watering place, which he had called Retreat Well, where he arrived on the 30th of October, after losing five more horses, although the distance travelled was only 40 miles. And here I deem it but just to Mr. Austin to state that had he not pushed on with the strongest of his party and the remaining horses to the well, and then returned with water to the weaker of his men, three of them at least must have perished.

9. On the 2d of November Mr. Austin and party, considerably recruited, again started, and reached the Geraldine Mine on the Murchison on the 20th November, having so closely calculated his arrival as to have eaten his last day's ration the day before his arrival. From the mining party he met with every assistance, which enabled him to continue his journey to Port Gregory, which he reached on the 25th November, where he was most kindly and hospitably cared for by Captain Sanford, brother of the Colonial Secretary. At Port Gregory Mr. Austin very properly released such of his party as so wished from any further obligation to remain; the others he sent by ship to Fremantle, travelling overland himself, with two natives and three horses, to Perth, which he reached on the 27th of December, after an absence of 5 months and 17 days. I am glad to find Mr. Austin speaks highly of the conduct of his party; all of whom, with the exception of one man, named Farmer, who met his death by the accidental discharge of a gun, as reported, he brought safe, as also all the arms and instruments, to head quarters.

10. Having thus briefly detailed the unfortunate results of this expedition, without attributing the slightest blame or fault to Mr. Austin, I would, before closing this Despatch, particularly draw your attention to the concluding page but one of Mr. Austin's report, from which you will gather with what confidence he speaks, offering plausible reasons for his conclusion, that a good country exists to the N.E. of the Gascoigne, from the rivers Murchison and Gascoigne coming from that direction, and bearing the debris of a class of rocks that gives promise of good country. This opinion is further corroborated by the amount of drift timber, as he says, on Doree Island, and at the southern entrance of the Gascoigne, which is choked by snags of large trees, amongst which the Eucalyptus Robustus is found. It also appears this country is well peopled by the aborigines, giving evidence of its capability of affording them support. In short it would appear the opinions of Mr. Austin in a great degree carry out the views of Sir G. Grey in his exploration of the same country. Mr. Austin further sustains with the utmost confidence the opinion given by Sir Roderick Murchison of the undoubted auriferous character of this country.

11. In conclusion, I trust you will approve of Mr. Austin's conduct, and at the same time excuse the delay in the transmission of this report, occasioned by the difficulty of having it printed at an earlier day in this colony.

I have, &c.

(Signed) CHARLES FITZGERALD.

The Right Hon. Sir G. Grey, Bart.,
&c. &c. &c.

WESTERN AUSTRALIA.

Despatch from the Secretary of State.

No. 1.

No. 1.

Copy of DESPATCH from the Right Hon. H. Labouchere to Governor Kennedy.

(No. 4.)

Sir, Downing Street, December 3, 1855.

I have to acknowledge the receipt of your predecessor's Despatch, No. 80,* of the 20th July, with three copies of the journal of an expedition under the command of Assistant Surveyor Austin, for the purpose of exploring the interior of Western Australia.

* Page 89.

While I regret that this undertaking should have failed in the attainments of the ends which it was intended to accomplish, I have observed with satisfaction the general good conduct of the exploring party, including the two natives. The party appear to have been indebted for their lives to the energy and firmness displayed by Mr. Austin, whose courage and perseverance were exhibited under circumstances of the most trying description.

As it is desirable that the utmost possible circulation should be afforded to the several points of information contained in that officer's journal, I think it desirable that if a few more copies are available for the purposes they should be forwarded to this department.

I have, &c.

To Governor Kennedy, (Signed) H. LABOUCHERE.
&c. &c. &c

TASMANIA.

TASMANIA.

Despatches from the Governor.

No. 1.

No. 1.

EXTRACT of DESPATCH from Governor Sir WILLIAM DENISON to his Grace the Duke of NEWCASTLE, (No. 244.) dated Van Diemen's Land, Government House, November 15, 1853, received February 16, 1854.

No. 7. is intituled "An Act to provide for the better enforcement of Crown demises, and for securing redress to Crown lessees."

This Act is designed to remove the impediments which have stood in the way of Crown demises in this colony, wherever reciprocal covenants between lessor and lessee were required. The difficulty at home is met by the statutory powers conferred upon the Commissioners of Woods and Forests. Hitherto the course here has been, where the covenants were all on the side of the lessee, to shape them as conditions, the effect being that a breach of any involved a forfeiture of the lease; but in cases of demises of Crown lands for any public purpose, and in all instances where covenants were necessary on behalf of the Crown, the state of the law has rendered such procedure practically inoperative, there being no means of ensuring mutuality or reciprocity.

The simple expedient involved in the provisions of this Act has therefore been resorted to, which it is believed will be found to meet all objections, with a due regard to the rights of the Crown as well as to those of its lessees.

Enclosure in No. 1.

ANNO DECIMO SEPTIMO VICTORIÆ REGINÆ.

Encl. in No. 1.

No. 7.

By his Excellency Sir William Thomas Denison, Knight, Lieutenant-Governor of Van Diemen's Land and its Dependencies, with the advice and consent of the Legislative Council.

An Act* to provide for the better enforcement of Crown demises, and for securing redress to Crown lessees. [29th September 1853.]

Preamble.

WHEREAS it is expedient to provide for the better enforcement of demises of lands in this colony belonging to Her Majesty, Her heirs and successors; be it therefore enacted by his Excellency Sir William Thomas Denison, Knight, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council of the said island, that after the passing of this Act there shall from time to time and at all times be appointed by the Lieutenant-Governor some person as and to be and to be called "The Lessor of Crown Lands," and it shall be lawful for the Lieutenant-Governor, from time to time, as to him shall seem proper, to cancel any such appointment, and to appoint some other person as and to be "The Lessor of Crown Lands" in the place and stead of any person whose appointment shall have been so cancelled as aforesaid.

An Officer to be called "The Lessor of Crown Lands" to be appointed.

II. In all cases in which after the passing of this Act any demise shall be made by Her Majesty, Her heirs or successors, of any lands in this colony, the same may be made in the name of "The Lessor of Crown Lands," who is hereby expressly authorized and empowered to make the same, and to enter into any covenants and conditions as in the case of any demise between subject and subject, and any such demise and the covenants and conditions therein contained, so made and entered into in the name of "The Lessor of Crown Lands," shall be valid and effectual in law to all intents and purposes whatsoever any law or usage to the contrary in anywise notwithstanding.

Crown demises of lands to be hereafter made and entered into by "The Lessor of Crown Lands."

III. Any suit, action, or other proceeding whatsoever, at law or in equity, upon or in respect of any such demise, or for the enforcement or breach of any covenant or condition therein contained, shall and may be commenced, had, and prosecuted by or against the person for the time being so appointed "The Lessor of Crown Lands," in the name of "The Lessor of Crown Lands," as the plaintiff or defendant therein, as the case may be, and "The Lessor of Crown Lands" for the time being shall in his own proper person

All actions, &c. upon such demises to be brought by or against "The Lessor of Crown Lands," who is to be personally liable for damages.

* This Act was left to its operation.

recover, or shall be subject and liable to, as the case may be, the damages and costs of any such suit, action, or other proceeding as aforesaid; and no such suit, action, or other proceeding by or against "The Lessor of Crown Lands" shall be in anywise affected by reason that such demise had been in fact made on behalf of Her said Majesty, Her heirs or successors.

No such action, &c. to be affected by the death, &c. of "The Lessor of Crown Lands."

IV. No such suit, action, or other proceeding by or against "The Lessor of Crown Lands," as by this Act provided, shall abate or be in any way affected by reason of the death, resignation, cancellation of the appointment, or new appointment of any such "Lessor of Crown Lands," but the same shall and may be continued in such and the same manner in all respects against "The Lessor of Crown Lands" for the time being as if no such death, resignation, cancellation of the appointment, or new appointment had taken place or been; and in any such suit, action, or other proceeding the production of the Hobart Town Gazette, containing the notification of the appointment of any person as and to be "The Lessor of Crown Lands" shall be sufficient primâ facie evidence that such person therein mentioned is "The Lessor of Crown Lands" for the time being.

Upon determination of Crown demises all rights and liabilities to determine or revest.

V. Upon the determination of any such demise by effluxion of time, forfeiture, or any means whatsoever by which the same might by any law then in force be determined if the same had been made between subject and subject, any right or liability whatsoever to which "The Lessor of Crown Lands" was by virtue of such demise entitled or subjected to shall immediately ipso facto cease and determine, and the estate in any lands thereby demised shall become wholly vested in Her Majesty, Her heirs and successors, as though no such demise had ever been made.

Lieutenant-Governor empowered to defray damages recovered against "The Lessor of Crown Lands" from the public funds.

VI. For the better indemnifying "The Lessor of Crown Lands," in cases where any damages, costs, or expenses shall have been recovered against or incurred by him, it shall be lawful for the Lieutenant-Governor by warrant under his hand to direct the Colonial Treasurer to defray the amount of such damages, costs, and expenses from the public funds of this colony.

Colonial Treasure authorized to pay such damages.

VII. The Colonial Treasurer shall issue and pay the amount of any such damages, costs, and expenses as shall be mentioned in any such warrant of the Lieutenant-Governor, and shall in his accounts be allowed credit for all sums of money paid by him in pursuance of any such warrant.

VIII. In citing or referring to this Act in other Acts of Council and in legal instruments and proceedings, and otherwise, it shall be sufficient to use the expression "The Crown Demise Act, 1853."

RICHARD DRY, Speaker.

Passed the Legislative Council this sixth day of September One thousand eight hundred and fifty-three.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on the behalf of Her Majesty, I assent to this Act.

W. DENISON,
Lieut.-Governor.

Government House, Hobart Town,
29th September 1853.

No. 2.

No. 2.

EXTRACT of DESPATCH from Governor Sir W. DENISON to his Grace the Duke of Newcastle, (No. 279.) dated Government House, Van Diemen's Land, December 19, 1853, received April 19, 1854.

I have the honour to forward herewith sundry documents relating to the finances of this colony. They consist of

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Fourth, the estimate of the revenue which will probably be derived from the sale or rental of Crown lands, together with the mode in which it is proposed to appropriate the amount, and also the message transmitting the same for the information of the Legislative Council.

I have on the present occasion deviated from the usual course of forwarding the Land Fund estimates with a separate Despatch. I have done so, however, thinking it desirable to bring together all the documents which may throw any light upon the financial position of the colony. This is the more necessary on the present occasion, as your Grace will see, on reference to the message accompanying the supplementary estimates, that a sketch of the state of the land revenue was laid before the Council for the purpose of inviting suggestions

TASMANIA.

as to the mode in which the surplus revenue of the present year should be appropriated.

* * * * *

Land Fund.

In the message which accompanied the supplementary estimates for the present year, an outline was given of the state of the land revenue, which, owing partly to the operation of the regulations of November 1851, and partly to the great demand for investment of capital, I then stated would probably reach 93,000*l.* in the course of the present year; a sum about double that upon which it was thought safe to calculate when the estimates were framed. Since the date of this message, I have, in compliance with the expressed wish of the Council, as reported to your Grace in my Despatch, No. 195, dated 15th September 1853, transmitted 25,000*l.* from this fund to the Land Emigration Commissioners.

I have also, as I informed your Grace in my Despatch, No. 208, dated 30th September 1853, charged the Land Fund with the additions to the salaries of the officers of those departments which are paid out of the sums reserved in Schedule C. of the Act 13 & 14 Vict. c. 59., amounting to 12,992*l.* 18*s.* 8*d.*, and the balance which will remain on hand at the end of the year is estimated at 18,000*l.* The proceeds of the sale and leasing of Crown lands for 1854 are estimated at 90,455*l.*, making the total amount available 108,455*l.*

The expenditure of the Survey Department has increased from 13,045*l.* 16*s.* 6*d.* as estimated for the present year, to 28,461*l.* 0*s.* 10*d.*, an addition to the outlay under this head of 11,415*l.* 4*s.* Of this, 2,059*l.* 11*s.* is due to the increase of salary granted to the officers of this department, in common with the other servants of the Government, to make up in some measure for the pressure thrown upon them by the increased price of the necessaries of life.

3,260*l.* is the amount paid to the surveyors employed in the different road districts, for the assistance of the trustees of these districts. The charge for the fifteen additional Sappers, and the labourers required to assist them, with stores, provisions, and fuel, &c., will amount to about 4,500*l.* The great press of business thrown upon the Survey Department has made an addition of two clerks to the establishment absolutely necessary.

The cost of provisions for the men employed in the department has increased, by the general rise in the price, from 20*l.* to 36*l.* for the ration of a single individual, and in the same way the cost of labour is estimated at 40*l.* instead of as last year at 14*l.*

These general observations will be sufficient to explain the great increase in the cost of the department. I will now proceed to allude to the particular charges in the estimate for 1854 as compared with that for the present year.

The column headed "Increase in Aid" shows the amount of the addition made to the salary of each officer, in accordance with the scale which was sanctioned by the Legislative Council, as reported in my Despatch, No. 208, dated 30th September 1853. The addition of two clerks to the staff of the department has been already alluded to. The charge for the Superintendent of the Observatory provides for the salary of Mr. Jeffery, to whom has been intrusted the charge of the instruments handed over by Captain Kay to the local Government, as reported in my Despatch, No. 77, dated 14th April 1853.

The increase of 131*l.* 18*s.* 4*d.* granted to Captain Hawkins is for the purpose of placing him upon the same footing in this colony as that in which he stood in England when attached to the survey. A reduction has been made in the number of civil surveyors employed from eight to three, in consequence of the arrival of the Sappers. I have every reason to be satisfied with the character of these mens' work, which is far superior to that of the civil surveyors. The nature of the country through which they have to struggle is very different from any in which they have been accustomed to work, and this will naturally account for a deficiency in the quantity of land surveyed. I have, however, every reason to be satisfied with the result of the experiment; and I trust that your Grace will sanction the employment of the additional number applied for in my Despatch, No. 135, dated 15th June 1853, for whom provision has been made in the present estimate.

A sum of 500*l.* is taken to cover the cost of employing extra draftsmen. Should the additional Sappers be sent out, this money will in all probability not be wanted, as draftsmen will be found among these men.

Your Grace will observe a new charge upon the estimates for the services of a certain number of road surveyors. By section forty-seven of the Cross and Bye Road Act, 15 Vict. No. 8., the trustees of the different districts were empowered to appoint a surveyor, and to make him such remuneration as they might think proper; but as the pay of a competent surveyor would have swallowed up a large portion of the fund available for the repair or construction of roads, I agreed to charge the Land Fund with the cost of maintaining these surveyors, which I have been able to do at a cheaper rate than would have been done by the trustees, inasmuch as I have arranged that one man should act for three or four districts.

Your Grace will I trust approve of this arrangement, as tending to facilitate the dispositions made or making by the settlers for the improvement of the means of communication throughout the colony.

Under the head of "Commissioners for investigating Titles to Land," there is no charge worthy of notice. The only matter which requires explanation is the amount of the increase in aid to the three commissioners, which is put at 120*l.* per annum. According to the scale, the addition of three salaries of 100*l.* each would be 225*l.*; but two of the gentlemen who officiate are in the receipt of salaries for other offices, and it is only a proportion of the amount paid to them which is charged under this head.

The increased and increasing correspondence on subjects connected with the sale and leasing of Crown lands which passes through the office of the Colonial Secretary has compelled me to transfer to the Land Fund the charge of the salaries of a second and third class clerk in that office. The total charge for correspondence, collection, and audit of a revenue of nearly 100,000*l.* per annum is only 1,730*l.*, or about $1\frac{3}{4}$ per cent.

The charge for the maintenance of the aborigines has increased of course from the rise in the prices of provision, and the addition made to the salaries of the officers appointed to take charge of them.

The numbers of these poor people are gradually diminishing, and I have had under consideration a scheme by which arrangements might be made to enable them to live separately at such spots as they might prefer, paying to the individuals who might undertake to maintain them a given sum per annum, and placing them of course under the surveillance of the police magistrate in the neighbourhood. By the adoption of such a scheme the charge upon the Land Fund would be materially reduced, while I believe the wishes of the aborigines themselves would be consulted. I have not, however, perfected any arrangement as yet, but shall of course report to your Grace fully upon the subject.

Encl. in No. 2.

Enclosure in No. 2.

Land Revenue.	£
Sale of Crown lands by auction	20,000
Do. by pre-emption	30,000
Grazing licences	30,000
Rent of Crown lands selected for future purchase	2,000
Surveys effected by Government surveyors	2,500
Affixing diagrams to grant deeds	100
Moiety of fines on grants	30
Quitrents due subsequent to 1st April 1846	350
One third of redemption of quitrents	175
Royalty on coals	50
Immigration deposits	1,500
Miscellaneous.	
Applications to rent and purchase Crown lands	50
Advertising forfeited lots of Crown land in Hobart Town Gazette, repaid	10
Repayment of a portion of principal money (£4,300) by Bridgewater Commissioners	500
Interest due by Bridgewater Commissioners on £3,800, £500 having been paid off in 1853	190
Total land revenue	£90,455

SUMMARY of the foregoing LAND FUND ESTIMATE, showing the Total Charge for each Department, for the Year 1854.

—	Establishments.	Works and Buildings.	Surveying Land.	Miscellaneous.	Assessment.	Rent.	Military Pensioners.	Roads and Streets.	Immigration.	Pensions.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Survey Department - -	22,868 12 6	—	2,480 0 0	—	—	—	—	—	—	—	25,348 12 6
Commissioners of Titles to Land - -	670 0 0	—	—	—	—	—	—	—	—	—	670 0 0
Correspondence, Collection, and Audit of Land Fund - -	1,130 0 0	—	—	—	—	—	—	—	—	—	1,130 0 0
Accountant of Stores -	80 0 0	—	—	—	—	—	—	—	—	—	80 0 0
Aborigines - -	1,718 7 10	—	—	—	—	—	—	—	—	—	1,718 7 10
Public Works - -	300 0 0	1,500 0 0	—	—	—	—	—	3,813 2 0	—	—	5,613 2 0
Immigration - -	2,383 5 0	—	—	—	—	600 0 0	—	—	1,250 0 0	—	4,233 5 0
Miscellaneous - -	—	—	—	9,050 0 0	—	—	—	—	—	—	9,050 0 0
Assessments in aid of Roads - -	—	—	—	—	5,000 0 0	—	—	—	—	—	5,000 0 0
Military Pensioners -	—	—	—	—	—	—	3,169 10 0	—	—	—	3,169 10 0
Pensions - - -	—	—	—	—	—	—	—	—	—	100 0 0	100 0 0
£	29,150 5 4	1,500 0 0	2,480 0 0	9,050 0 0	5,000 0 0	600 0 0	3,169 10 0	3,813 2 0	1,250 0 0	100 0 0	56,112 17 4

No. 3.

EXTRACT of DESPATCH from Governor Sir W. DENISON to the Right Hon. Sir GEORGE GREY, Bart., (No. 54.), dated Government House, Van Diemen's Land, November 22, 1854, received March 17, 1855.

I have the honour to forward the estimates for the forthcoming year in the shape in which they have been approved of by the Council.

* * * * *

Land Fund.

The revenue from the sale and leasing of Crown land, and from the various other sources shown in the estimate, will probably amount to 85,080*l.*; and as the balance in the hands of the Government at the end of the present year will not be less than 50,000*l.*, the total sum available for the service of 1855 will be 135,080*l.* Of this, however, under the provisions of the Australian Land Sales Act, a large proportion must be applied to the introduction of immigrants from the United Kingdom. By the Act in question one half of the net proceeds arising from the sale of land is to be appropriated to the purpose above mentioned. If, therefore, from the receipts from this source be deducted a proportionate amount of the charge for the Survey Department, and if the cost of collection and audit be deducted, half the balance, amounting in the present year to 29,433*l.*, and in the year 1855 to 16,161*l.*, will be the sum appropriated by law to the introduction of immigrants, while the remainder will be available towards the liquidation of the other charges on the Land Fund besides those before enumerated.

The expenditure of the Survey Department is taken at 28,030*l.* 12*s.* 11*d.* Provision was made in the estimates of the present year for an additional number of Sappers; but as these could not be furnished, a charge has been made in these estimates for one second, four third class surveyors in addition to the number already employed, and two extra draftsmen.

The system of granting a field allowance to the Deputy Surveyor-Genera and the officer commanding the Sappers has been altered. Forage allowance for one horse is granted to each of these officers, and their travelling expenses are paid according to a certain fixed scale, similar to that of other officers drawing forage, when they are actually employed in visiting the different parties at work.

The changes under the other heads of the estimate are trifling.

The number of the aborigines is decreasing, though every attention is paid to their comfort and convenience. In a few years this item of charge will cease.

Provision has been made under the head of "Emigration and Immigration" for the employment of an additional clerk, whose services were required in consequence of the large amount of correspondence entailed upon the immigration agent.

Some small amount of work is required at the Launceston swamp. The result of the drainage of this large area in front of the town of Launceston has been most satisfactory. The fogs, which used to prevail to an extent which could not but be prejudicial to the health of the inhabitants, have been very much diminished, and the value of the land has been enhanced to an extent which I did not anticipate when the work commenced; in fact the outlay will be repaid ten times over when the whole of the land is disposed of.

Under the head of "Assessments" a sum of 18,000*l.* is taken to cover the charge sanctioned by the Road Act upon the unoccupied land of the Crown, as well as the further advance made to the trustees in proportion to the amount of the rate levied in each road district.

The amount taken for the Dunrobin Bridge and the Gordon River road will probably be sufficient to complete these works, by which access will be given to a very large tract of unoccupied land to the westward of the range of hills bounding the valley of the Derwent, which land will, I feel certain, in the course of a few years, form a most valuable grazing district, and be the dairy of the colony.

TASMANIA.

The sum taken for immigration amounts altogether to 72,301*l.* 10*s.* I have before stated that the proportion of the land revenue appropriated to this purpose by Act of Parliament would be for the present and the forthcoming year 45,594*l.* As, however, as is explained in my message, the Government is under engagement to pay the passage of a large number of emigrants from England, I have thought it desirable to appropriate the whole of the balance of the Land Fund to this purpose.

In addition to the sum voted by the Council out of the general revenues, the total sum which it is proposed to expend upon immigration in the course of 1855 will be 111,301*l.* 10*s.*; and I am truly glad to be able, out of the ordinary revenue of the colony, to expend so large a sum for a purpose of so much importance to its prosperity.

Encl. in No. 3.

Enclosure in No. 3.

Land Revenue.	£
Sale of Crown lands by auction	30,000
Do. by pre-emption	20,000
Grazing licences	30,000
Timber licences	1,000
Surveys effected by Government surveyors	2,500
Affixing diagrams to grant deeds	100
Moiety of fines on grants	25
Quitrents due subsequent to 1st April 1846	170
One third of redemption of quitrents	75
Royalty on coals	100
Miscellaneous.	
Applications to rent and purchase Crown lands	50
Advertizing forfeited lots of Crown land in Hobart Town Gazette, repaid	10
Repayment of a portion of principal money (£4,300) by Bridgewater Commissioners	800
Interest due by Bridgewater Commissioners on £4,000, £300 having been paid off in 1854	200
Rent for Observatory buildings	50
Total land revenue	£85,080

SUMMARY of the foregoing LAND FUND ESTIMATE, showing the Total Charge for each Department, for the Year 1855.

——	Establishments.	Works and Buildings.	Survey.	Miscellaneous.	Assessment.	Rent.	Transport.	Roads and Streets.	Immigration.	Pensions.	Accountant of Stores.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Survey Department -	22,845 12 11	—	1,425 0 0	100 0 0	—	—	300 0 0	—	—	—	3,360 0 0	28,030 12 11
Commissioners of Titles to Land - -	996 8 6	—	—	—	—	—	—	—	—	—	20 0 0	1,016 8 6
Correspondence, Collection, and Audit of Land Fund - -	2,050 0 0	—	—	—	—	—	—	—	—	—	—	2,050 0 0
Accountant of Stores -	55 0 0	—	—	—	—	—	—	—	—	—	—	55 0 0
Aborigines - -	764 7 6	—	—	—	—	—	—	—	—	—	1,040 0 0	1,084 7 6
Public Works - -	613 10 0	600 0 0	—	—	—	—	200 0 0	2,804 0 0	—	—	1,400 0 0	5,617 10 0
Immigration - -	2,506 10 0	—	—	—	—	500 0 0	—	—	68,095 0 0	—	1,200 0 0	72,301 10 0
Miscellaneous - -	—	—	—	5,000 0 0	—	—	—	—	—	—	—	5,000 0 0
Assessments in aid of Roads - -	—	—	—	—	18,000 0 0	—	—	—	—	—	—	20,000 0 0
Military Pensioners -	—	—	—	—	—	—	—	—	—	—	5 0 0	5 0 0
Pensions - -	—	—	—	—	—	—	—	—	—	100 0 0	—	100 0 0
GENERAL TOTALS £	29,831 8 11	600 0 0	1,425 0 0	5,100 0 0	18,000 0 0	500 0 0	500 0 0	2,804 0 0	68,095 0 0	100 0 0	7,025 0 0	133,980 8 11

TASMANIA.

No. 4.

No. 4.

EXTRACT of DESPATCH from Governor Sir H. E. F. YOUNG to the Right Honourable Sir GEORGE GREY, Bart. (No. 68.), dated Government House, Hobart Town, May 31, 1855, received September 21, 1855.

" *Land Sales, Cultivation, Prices of Provisions, and Wages.*

Waste lands of the Crown were sold in 1854 to the extent of 32,433 acres in country allotments, averaging 21*s.* 0¾*d.* per acre, and 2,245 acres of town and suburban allotments, averaging 18*l.* 13*s.* 8½*d.* per acre.

All sources of Crown land revenue realized 112,225*l.* 12*s.* 7*d.* The cost of the Survey Department was 16,102*l.* 3*s.* 7*d.*

The number of acres held under depasturing licences was 2,284,214, giving a rental of 29,152*l.*

The extent of land reckoned to be under cultivation of all kinds in 1854 was 127,732 acres.

The number of sheep in the island was 1,801,308.

The wages of labour, from 5*s.* to 10*s.* per diem, without board and lodging, while the wages of skilled labour varied from 12*s.* to 16*s.* and even 20*s.* a day.

The price of flour was 38*l.* per ton, and is now 40*l.*; bread was 17*d.* the quartern loaf; meat from 6*d.* to 1*s.* a pound; wheat 16*s.* a bushel."

Encl. in No. 4.

Enclosure in No. 4.

REPORT on the Road from Dunrobin to Lake Pedder.

10th March 1855.

ACCOMPANYING is a sketch of the country through which the road passes to the Gordon River, and that through which it is proposed to extend it as far as Lake Pedder.

I carefully examined by compass the course of the road throughout, and find it much more direct than I ever anticipated, considering the difficulties of the tract through which it passes.

From Dunrobin Bridge to the Repulse River, a distance of eight miles, the road follows nearly the course of the Derwent; and, with the exception of the bridges over the Broad River and the Repulse, a good cart-road has been made with very little labour. At the Repulse River land has been reserved for a future township.

From hence to Judy's Marsh, five or six miles, the road ascends about 1,100 feet. This part of the road has cost much labour, first in opening a way through the forest, and then in cutting along the face of the slopes. So far a good cart-road is formed.

From Judy's Marsh to the top of the descent into the Florentine Valley, about seven miles, the road is good for horses, and could, without much labour, be made fit for wheel conveyances. It rises by a gradual but imperceptible ascent 200 or 300 feet. Passing through a dense myrtle forest for the most part, this has been a work of great labour. It crosses one good marsh, which, if drained, would afford a resting-place for flocks passing to the Plains. From hence to the township reserve of Florence, on the Florentine River, five miles, is a descent of 800 or 900 feet, still through a close and intricate forest, the clearing of which, and the side cutting for the roadway, with occasional culverts, has been the most laborious work in the whole undertaking. It is well done, and practicable for horses. Here improvements are still in progress.

At Florence a bridge has been laid over the river, but not above the level of the highest floods; it, however, has stood well through a great trial during the last winter, and will answer present purposes, as flocks will not be driven through in the wet months.

From Florence to Huntly, a township reservation on the borders of the Gordon Plains, is twelve miles. This part of the road is now in progress, and could in a short period, if the force was concentrated, be made fit for horses and flocks. It runs through a forest of the same impervious character, and has been a work of considerable labour; but, as far as the clearing has yet been extended, it runs along the valley with a very gentle acclivity, and has required very little levelling. The part remaining to be cleared of timber (not more than two miles) is now in hand. It will require side-cutting along the face of a steep slope for one mile. At Huntly the road debouches on the plains near the great bend of the Gordon River.

From the Repulse to the Florentine the course of the road is almost uniformly south-west, and along the Florentine Valley something westerly of south; and, on the whole, the road from Dunrobin to the bend of the Gordon may be considered a very direct line of communication, and the ascents and descents are overcome in a very satisfactory manner.

My first inspection of this part of the country gave me the assurance that this would be found the best line of communication between the occupied country and the extensive

open but unoccupied tracts to the west and south-west; but I anticipated much greater obstacles to the formation of a direct road, and have in this particular been highly gratified by my present tour of inspection.

Having met with an accident on leaving the plains, I was under the necessity of sending forward a party to the lakes under the Superintendent, Mr. Dawson, but made an examination of the neighbourhood, and ascended several commanding eminences, by which, with Mr. Dawson's report on the country he traversed, I obtained all the information necessary to determine the direction the road must take to Lake Pedder, from whence the country is open to the Huon and Arthur Plains and to the west coast.

From Huntly to the lake, in the direction which the road must take, is about 27 miles; it must pass over one important and two smaller ridges, all narrow, but covered with a thick scrub and some heavy timber, and through open undulating country and flats. Not more than three miles in all on the ridges will be required to be cleared of timber.

I would take the liberty to suggest that the Director of Public Works obtain from Mr. Dawson an estimate of the amount of labour required to complete the following works:—

1st. To open the track through to the Gordon, making it practicable by flocks and cattle.

2d. To throw a foot-bridge across the Gordon, for communication with the plains on the opposite bank.

3d. To render the track passable for carts as far as "the Mount," or commencement of the descent into the Florentine Valley.

4th. To cut a drain through a marsh near "the Mount," to fit it for a resting and feeding place for flocks.

5th. To extend the communication to Lake Pedder passable for flocks and cattle by cutting through the narrow belts of forests, and marking the line with stakes through the intervening plains.

6th. To make the descent to the Florentine practicable for carts.

These estimates, with that for the completion of the bridge over the Derwent, will put his Excellency in possession of the requisite information which I have not data to embody in this report.

The forests in the Florentine Valley, which, till this track was opened through, resisted all efforts to free them from the mass of wet vegetation, inaccessible to the sun's rays, which everywhere prevailed, have this year been extensively opened by fire, and the fires are still spreading. The change effected will be immense, and give this rich valley a large step forward in its sure progress to occupation.

The several proposed sites for townships,—at the bridge over the Repulse River, at that over the Florentine, and at the opening upon the Gordon Plains,—are all well watered, and good sites.

The Florentine Valley, when cleared of its forests, will be found, in soil and in climate, calculated to become a rich agricultural tract. It is sheltered by Mount Field on the east. Mount Ann to the south, and the range running south from Wyld's Crag on the west. The river is always an abundant stream. The prevailing rock is limestone.

Passing over the last ridge into the Gordon Plains, there is a sudden and complete change in the character of the country. Open and undulating, intersected merely with belts of wood, and prepared to receive flocks at once for summer feeding, it will, I feel assured, be at no distant period a favourite sheep country.

Comparing these plains,—first those called King William's Plains to the northward, these, being on a lower level, about 1,000 feet, and from the nature of the grass and herbage covering them, have, in my judgment, decidedly the advantage,—and comparing them, secondly, with the rocky tracts in other parts of the island now covered with sheep, —I am strongly impressed with the belief that, though undoubtedly they require much of that operation which is effected by the flocks themselves for their improvement, they will be at least as well calculated for the depasturing of sheep and cattle as those tracts with which I am now comparing them. I speak here of the country about the great bend of the Gordon, and the plains through which the track is proposed to be carried as far as the Lakes, and may include the plains extending up the right bank of the Gordon to its source, near which is a considerable ascent to the Guelph and King William's Plains, where I believe 15,000 sheep are now fed. I particularly draw attention to this circumstance, from my conviction that if those formerly most unpromising plains will bear sheep at all, much more may these be expected to become a valuable range for flocks.

Not being myself a sheep farmer, I reluctantly offer an opinion on the subject, but wish to state the grounds of my conviction, and that this is confirmed by every visitor of the plains whom I have met with.

It appears to me now desirable that the whole strength of the party should be applied to the completion of a passable sheep and horse track quite to the plains, according to the first proposed estimate, and laying a foot bridge over the Gordon near the great bend, according to the second; and in order to give flocks a resting and feeding place between the Repulse Bridge and the Florentine, it would be very desirable to cut the drain referred to in the fourth proposed estimate. These works completed, the expediency of carrying

TASMANIA.

out those referred to in the third, fifth, and sixth proposed estimates, and any further improvements, may depend on their results.

The bridge over the Derwent has been a very expensive work. The piers and abutments are now nearly completed; they are exceedingly well built, and of a very compact and fine freestone. The wooden arches under preparation appear to be in a state of great forwardness. The approach to the bridge from the Hamilton side will be a work of some considerable labour, scarcely yet commenced; but the Director of Public Works will give all the information his Excellency requires on this head.

H. Cotton.

Submitted. Much of the land herein referred to is the same as that reported upon by the Deputy-Surveyor-General in March 1850, and none of it has yet been taken up. I therefore beg to draw attention to the report in question.

R. Power.

13th March 1855.

Return my best thanks to Major Cotton for this report. Say I consider it to be very interesting and satisfactory as far as it goes. It is only by private enterprise that the value of this extensive western and south-western tract of country can be determined, and the public are entitled to such information as the Government possesses respecting it. Let it, therefore, be published in the Gazette, with Mr. Dawson's letter of the 3d March 1855, Surveyor-General's minutes of the 2d of February and the 13th March, and also with this minute. Valuable country has remained in other colonies unavailed of much longer than the period that has elapsed since 1850, the date of Major Cotton's first report. To facilitate access to new country is an obvious and necessary preliminary to its being turned to account. I am glad that the Dunrobin Bridge is reported to me by the Director of Public Works to be so far advanced as to be capable of completion within another twelve months, for a further sum of £2,104 8*s.*; and it is also satisfactory to learn that such progress has been made in opening up a track towards Lake Pedder that this work can be completed to that point for £3,215 11*s.* I purpose continuing these works as early as the season, the labour available, and the state of the Land Fund may permit, because my experience in opening new country elsewhere has satisfied me of the reasonable probability that such outlay will prove highly reproductive.

H. E. F. Young.

30th March 1855.

Gordon River Road.

Memorandum.

With reference to my report of the 10th ultimo, and the estimates furnished by the Director of Public Works, I beg now to draw his Excellency's attention more particularly to the result to be expected from the completion of the work to the extent provided for in the estimates.

It appears that the superintendent, with two overseers, a constable, and 24 labourers, will in twelve months from the 1st instant make the road practicable for carts as far as the township of Florence on the banks of the Florentine River, and from thence practicable for horses and flocks to the township of Huntly in the Valley of the Gordon, and onwards through several extensive open tracts to Lade Pedder. This, with the completion of the bridge over the Derwent at Dunrobin, will complete the projected line of communication for giving access to the plains near the great bend of the Gordon where the township of Huntly is situated, consisting of two lots containing 5,850 acres already surveyed, and about 7,000 acres not yet measured, 38,500 acres marked off into eight pasture lots in the Gordon Valley above the bend, and similar plains, estimated to be 40,000 acres, terminating at Lake Pedder.

When these plains are occupied there will be no obstacle to the occupation of the pasture lots in the neighbourhood of Lake Edgar (47,000 acres already divided into five lots) and down the course of the Huon (40,000 acres divided into five lots) to the junction of the Cracroft, an important tributary rising in the Arthur Mountains, but which latter plains are of a less promising character than those near the lakes and on the line of the proposed track.

From these plains to the west coast communication can be easily extended. It is now passable for foot passengers, and has been freely traversed by surveyors and messengers of this department. I cannot but observe here that, in addition to the immediate advantage of opening up plains of great extent hitherto unapproachable, the western coast and harbours, till now absolutely cut off by the great mountain and forest barrier from the inhabited country, become accessible, and (as described in my former reports) an important portion of the island, hitherto forming a perfectly separate territory out of reach except by a very precarious and uncertain sea voyage, becomes a connected portion of the colony, and I have no doubt will be found by no means the least important part of the island.

The fine harbour of Port Davey will be the chief outlet for its produce. Its valuable timber, its mineral indications, and its promise as a sheep country, as well as the

North Western Portion
of
TASMANIA,
Newly Opened.

Reference to the Colors

The blocks Colored Yellow are Granted Lands
Ditto Colored Purple are Leased Land.
The Lots of land Colored Green and Pink
have been Surveyed but are not yet Let
The nearest occupied Township to the above
Country is that of Hamilton

Accompanying my Report of the 15th April 1861

extensive forest tracts bordering on it, which will gradually develop rich agricultural lands, give to this territorial communication a value which I believe has never yet been appreciated.

A tracing accompanies this report, embracing, besides the line of country traversed by the proposed road, the plains near Lake St. Clair, opened in 1850, and now fully occupied by flocks; those in the Gordon Valley to be approached by the proposed bridge over that river near Huntly; and the plains to the southward of Lake Edgar, above alluded to. And I must at the same time refer to my general map of this part of the country, furnished with my former report, and now with the Government. I must further notice that, although the completion of the contemplated work is estimated to occupy twelve months from the 1st instant, the road may be made available for flocks to pass to the plains bordering on the Gordon early in the spring; and therefore it will be necessary previous to that period to make arrangements for granting grazing licences to occupy the land in that neighbourhood, and for marking off allotments for sale in the townships of Huntly, Florence, and Bethune.

H. C. Cotton, 16th April 1855.

The Surveyor General.

No. 5.

No. 5.

Copy of DESPATCH from Governor Sir H. E. F. Young to the Right Hon. Lord John Russell.

Government House, Hobart Town,
11th August 1855.
(Received November 29, 1855.)

(No. 112.)

(Answered, No. 7.—January 16, 1855, page 106.)

My Lord,

I have the honour of transmitting copies of a report* on some of the coal fields of Tasmania by Mr. Selwyn, the Government Geologist of Victoria, whose temporary services I procured from that colony in the early part of this year.

This report has been laid on the table of the Legislative Council, as mentioned in my opening address which was forwarded with my Despatch, No. 85, dated 19th July 1855.

I have also communicated this report to the local Royal Society, and I request that your Lordship will allow it to be sent to the Government department of Practical Geology in London, with the view of obtaining any papers, suggestions, or remarks on the report now transmitted as may be conducive to the future scientific working of the coal formations of Tasmania, and the consequent increase of the trade of the colony.

I have, &c.
(Signed) H. E. F. YOUNG.

The Right Hon. Lord John Russell,
&c. &c. &c.

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* This report being very voluminous is not included in the present papers.

TASMANIA.

Despatches from the Secretary of State.

No. 1.

No. 1.

Copy of DESPATCH from the Right Hon. Lord John Russell to Governor Sir H. E. F. Young.

(No. 48.)

Sir, Downing Street, July 20, 1855.

18 & 19 Vict. cc. 54, 55, and 56.

I transmit to you, for your information, copies of the Acts which have now received the Royal Assent, for establishing the new constitutions of New South Wales and Victoria, and also of an Act to repeal the Australian Waste Lands Acts, which has also received the Royal Assent.

This latter Act extends, as you will observe, to Van Diemen's Land, and the provisions making valid past appropriations of the proceeds of waste lands, notwithstanding their not having been made in accordance with those Acts, has been introduced partly with a view to possible difficulties which may have occurred in Van Diemen's Land from the Acts in question or either of them taking effect therein after the repeal of the Order in Council making it a convict colony.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c. (Signed) J. RUSSELL.

No. 2.

No. 2.

Copy of DESPATCH from the Right Hon. H. Labouchere to Governor Sir H. E. F. Young.

(No. 57.)

Sir, Downing Street, December 26, 1855.

By a Despatch, bearing date the 24th April 1854 (No. 62.), your predecessor was informed by the Duke of Newcastle that it was the intention of his Grace to address a separate communication to him on the subject of the Act of the Legislature of Van Diemen's Land, No. 7, of 17 Victoria, intituled "An Act* to provide for the better enforcement of Crown demises, and for "securing redress to Crown lessees."

* Page 94.

It is only necessary for me to observe, that the repeal of the Imperial Waste Lands Act has now removed all difficulty which might have been felt respecting the local enactment in question.

I have, &c.

Governor Sir H. E. F. Young, &c &c. &c. (Signed) H. LABOUCHERE.

No. 3.

No. 3.

Copy of DESPATCH from the Right Hon. H. Labouchere to Governor Sir H. E. F. Young.

(No. 7.)

Sir, Downing Street, January 16, 1856.

* Page 105.

In compliance with the request contained in your Despatch, No. 112,* of the 11th August last, the report which it enclosed on the coal fields of Tasmania, by Mr. Selwyn, was referred to Sir R. J. Murchison, as head of the Government department of Practical Geology, and I now transmit for your information a copy of Sir R. Murchison's reply.

7th Jan. 1856.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c. (Signed) H. LABOUCHERE.

Enclosure in No. 3.

Museum of Practical Geology, 28, Jermyn Street,
London, January 7, 1856.

SIR,

IN reply to your letter of the 22d December, enclosing, by the direction of Mr. Secretary Labouchere, the copy of a Despatch from the Governor of Van Diemen's Land, with Mr. Selwyn's report on the coal of Tasmania, I now beg to give my opinion.

Placing full confidence in the report of Mr. Selwyn, it seems to me that his description ought naturally to lead to the steps which the Government should take.

Mr. Selwyn states that in Tasmania there are both bituminous and anthracitic coal beds, some of which in certain districts are apparently worthy of being worked, their quality and easy access considered.

Knowing that Mr. Jukes, the Local Director of the Irish Geological Survey, had not only examined the rocks of New South Wales, but also visited Van Diemen's Land and inspected the coal mines opened out, as far back as the period of the government of the late Sir John Franklin, I have consulted him on the subject. His observations, as well as those which he published in a "Sketch of the Physical Structure of Australia," agree very much with those recorded in the report of Mr. Selwyn.

Not entering on this occasion into geological details, I may state that both Mr. Jukes and myself are of opinion that Tasmania, with its complicated mineral structure, and intersected as its regular deposits are by numerous ridges of igneous rocks of varied characters, calls for a much more complete survey than Mr. Selwyn could accomplish in the short space of time at his disposal.

Ordinary coal viewers or miners, having no general geological knowledge, might, I am convinced, lead the Government into useless expenditure.

I would, therefore urgently recommend that a practiced geologist should be employed to survey the country systematically, and then advise with the colonial authorities, in each special case, as to whether it might be desirable or not to work for coal or other minerals.

In concluding this letter I hope to be excused for requesting you to express to Mr. Secretary Labouchere, what I did express to his predecessor, my earnest hope that all the colonies belonging to the British Crown may ere long have geological surveyors attached to them.

By such means alone can Her Majesty's Colonial Secretary be well advised as to the measures best adopted to open out advantageously the mineral resources of distant regions, many of which are as yet entirely "unknown lands" as respects their internal products.

I have, &c.
(Signed) ROD. I. MURCHISON.

Herman Merrivale, Esq.,
&c. &c.

APPENDIX.

APPENDIX.

Appendix No. I.

1854.

New South Wales.—Crown Lands.

Progress Report* from the Select Committee on Crown Lands.

The Select Committee of the Legislative Council appointed 8th August 1854, to inquire into the operation of the law regarding the occupation and sale of the waste lands of the Crown, the Orders in Council, and the regulations issued by the colonial Government under them, and to whom was referred the Despatch of the Duke of Newcastle, dated 29th November 1853, the Petition from the inhabitants of Moruya, and the return to an Address to the Governor-General relative to the Crown lands in the unsettled and intermediate districts; also minutes of the Executive Council, dated respectively 31st July and 17th November 1851, and 23d July 1852; and a copy of a Despatch from the Governor-General to the Secretary of State for the Colonies, hereto annexed, have agreed to the following report, viz.:—

Your Committee having taken such evidence as the time at their disposal permitted, beg to report the same to the Council, and to state that a draft report was submitted to them for adoption by the chairman, but that it was determined by a majority of your Committee that, from the extreme importance of the whole question of the administration of the waste lands of the colony, and the consequent necessity for a much more extended inquiry than the Committee have been enabled to institute, it is not expedient to pledge the Committee at present to that report.

Charles Cowper,
Chairman.

Legislative Council Chambers,
29th November 1854.

Draft Report proposed by Mr. Cowper, but not adopted by the Committee.

The Select Committee of the Legislative Council appointed on the 8th August 1854 to inquire into the operation of the law regarding the occupation and sale of the waste lands of the Crown, the Orders in Council, and the regulations issued by the colonial Government under them, and to whom was referred the Despatch of the Duke of Newcastle, dated 29th November 1853; the Petition from the inhabitants of Moruya; the return to an Address to the Governor-General relative to the Crown lands in the unsettled and intermediate districts; also minutes of the Executive Council dated respectively 31st July and 17th November 1851, and 23d July 1852, and copy of a Despatch from the Governor-General to the Secretary of State for the Colonies, hereto annexed, have agreed to the following report:—

The subject referred by the Council to your Committee is so vast and comprehensive, and, when viewed in all its relations to the various interests of the community generally, involves so many serious considerations, that your Committee have not ventured upon entering into many of the most important points which a full inquiry would bring under their notice. They have, therefore, directed their attention principally to preparing a succinct statement of the leading features of the Acts of Parliament, Orders in Council, and Regulations of the local Government, as affecting chiefly that portion of the Crown lands which, before the Order in Council of March 1847, was comprised in the pastoral districts; and in order to aid them in this branch of the inquiry they have examined, among other witnesses, the Surveyor General of the colony and the Chief Commissioner of Crown lands.

From the evidence thus brought under consideration, your Committee trust that the Council will obtain much valuable information respecting the operation of the laws and regulations under which the waste lands of the Crown are occupied, and the attention of the colonial Government be drawn to the serious evils which are growing up under the present system.

Under the Land Sales Act, 5 & 6 Vict. c. 36., the waste lands of the Australian colonies cannot be conveyed or alienated, except for the purposes specified in section 3., either in fee-simple or for any less estate or interest, unless such conveyance be made by way of sale, and such sales (except special surveys of 20,000 acres) are directed to be

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* The Minutes of Evidence and Appendix to this Report being very voluminous, are not printed with these Papers.

by auction in lots not exceeding 640 acres. A power, however, is given to the Governor to grant licences for the occupation for any time not exceeding twelve months of any waste lands of the colony, and it is also directed that no such lands shall be sold till the expiration of such licence.

By the Act of Parliament 9 & 10 Vict. c. 104. sect. 1., after reciting that it is expedient to make further regulations respecting the occupation of the waste lands of the Crown, and for that purpose to repeal so much of the last-mentioned Act as would prevent such regulations from taking effect, it is enacted that it shall be lawful for Her Majesty to demise for any term not exceeding fourteen years any waste lands of the Crown, or to grant a lease for the occupation thereof for the same term. The sixth section of this Act also recites that it is expedient that rules and regulations should be made for the more effectually making such demises or licences, and respecting the reservations and conditions thereof, and respecting the division of the said colonies into districts, within which alone such demises or licences may be made to take effect, and respecting the renewal thereof, and the right of pre-emption which it may be proper to give to holders of any such demises or licences, and enacts that it shall be lawful for Her Majesty by any Order in Council to make rules and regulations for the purpose aforesaid, and the same to repeal, alter, and amend.

By an Order in Council dated 9th March 1847, the Crown lands are divided into three classes, and are ordered to be dealt with accordingly as they may be situated in the districts to be denominated respectively the settled, intermediate, and unsettled districts, and the Governor is thereby empowered to grant leases of runs within the unsettled districts for any term not exceeding fourteen years, but so nevertheless (sections 2 and 9,) that such leases shall in no case prejudice or interfere with the right of the Government to enter upon any lands comprised in such leases for any purpose of safety, utility, convenience or enjoyment, or for otherwise facilitating the improvement and settlement of the colony.

By the eleventh section of the said Order in Council, occupants of Crown lands in the unsettled and intermediate districts in occupation thereof for one year at the time when the said Order in Council shall come into effect, are to be entitled to demand leases of their respective runs within six months from the date of the publication of the said order in the colony, and not afterwards; and the lands occupied as a run under such lease (section 6.) are declared not to be open to purchase to any other person except the lessee thereof, but the Government is authorized to sell to such lessee any of the lands comprised in the lease, not less in quantity than 160 acres, and at not less than the minimum price of 1*l.* per acre.

By the fifteenth section, lands in such runs may be sold to the Government on the expiration of the lease, subject to the right of the previous lessee to purchase for its fair value in an unimproved state, and if refused to payment to such lessee of the value of his improvements.

In the intermediate districts runs are to be held upon the same terms and conditions as are laid down for unsettled lands, except that leases shall not be made for more than eight years in duration, and that at the end of each successive year from the date of the lease, the Governor may, if he shall have given sixty days previous notice, offer for sale all or any part of the lands in such run, subject to the conditions in favour of the lessee as are laid down in case of sale at the expiration of the lease in unsettled districts, viz., right of pre emption at fair valuation, or payment for improvements. (See section 15. cap. 2.)

The said Order in Council was proclaimed in this colony on the 7th October 1847, on which day a notice was issued by the Government, wherein the occupants of Crown lands beyond the settled districts are cautioned that the rights conferred on them by sec. 11 of cap. 2 of the regulations must be exercised within the periods in that section prescribed by relation to the date of the proclamation publishing the said Order in Council, and in the notice it is intimated that the Government will not be able to issue the leases for some time on account of practical difficulties.

On the 8th August 1848 another notice was published to the following effect:—That the Order in Council having come into operation on the 7th October 1847, the period allowed for preferring claims to leases expired on the 6th April preceding; and that all such persons, therefore, who failed to demand leases before that date, had lost the right of doing so conferred by the said Order in Council, but as a matter of grace the Governor would not refuse to entertain applications received before 30th September, but that after that date the Governor would not, under any circumstances whatever, entertain a demand for a lease of a run from any person who had been in the occupancy of a run for twelve months before 7th October 1847.

From the correspondence between the Chief Commissioner of Crown lands (Colonel Barney) and the Colonial Secretary, between 25th June 1850 and 22d October 1851, referred to in Colonel Barney's evidence (see pp. 19 and 20), on the subject of the pastoral leases in the unsettled and intermediate districts, it appears that in May 1851, the Chief Commissioner called the attention of Government to the question as to the period from which the respective terms of eight and fourteen years should commence, whether it should be from the date of the leases, or from any prior period, stating that the claimants generally understood that their runs would be demised for the full term from the issue of

APPENDIX.

the leases, and that in his opinion they were, to a certain extent, justified in this view. Upon this representation, the Colonial Secretary, in a letter to Colonel Barney, dated 11th August 1851 (p. 20), states that the Government having taken the opinion of the law officers of the Crown upon this question, they were of opinion that it was legally competent to the Governor General, if he should see fit, to make the maximum terms commence from the date of the actual issue of the leases; and the Governor General accordingly notified that as there was no legal necessity, as had previously been suggested, for computing the maximum terms from the date when the occupants were in a position to demand leases, the terms for such leases would be computed from 1st July 1850. By another letter dated 22d October 1851 (Colonel Barney's evidence, p. 20), the Colonial Secretary states, that in consequence of a letter from four licensed occupants, Messrs. Marsh, Denison, Dobie, and Taafe, making certain representations, the Governor and Executive Council had directed that the said terms should commence from 1st January 1852, instead of 1st July 1850. And, from the evidence of Colonel Barney, it is shown that the respective terms of the leases have been fixed to commence from the 1st January 1852

Your Committee would here call the attention of the Council to the despatches of the Secretary of State, the one accompanying the Act of Parliament 9 & 10 Vict. c. 104., and the Draft Order in Council; the other enclosing the Order in Council of March 1847, as finally passed, from which they have made the following extracts to show the intentions of the Imperial Government in framing the same:

In the despatch of 29th November 1846, Earl Grey, after defending the policy of Government in reference to maintaining the high upset price of land, says, "I assume "that it is necessary to provide for the temporary occupation of land for pasturag., "on much easier terms than those upon which its permanent alienation is per-"mitted."

* * * * "By the combined operation of allowing a tem-"porary right of occupying lands to be obtained on easy terms, and of demanding a "considerable price for that in which a permanent property is acquired, the sheep and "cattle farmers are enabled to carry on the important branches of industry in which "they are engaged to an extent and with advantages, which they could not otherwise "enjoy; while at the same time this does not occasion the loss to the colony of the im-"portant source of revenue which will hereafter be afforded by the sale of lands, or any "risk of depriving future settlers of the means of obtaining land by purchase at a reason-"able price. The last consideration I think of extreme importance; it is obvious that if "those who now occupy the large runs, which are required for the support of considerable "flocks and herds while the country remains in a state of nature, were allowed to acquire "a permanent property in those vast tracts of land, there would very soon indeed be no "land of moderately easy access available for new settlers. I am aware that, under "existing regulations, complaints have been made, and not without much apparent foun-"dation, that a difficulty is experienced by persons who have accumulated small capitals "in finding means of purchasing allotments of land of a size suitable to their circumstances, "owing to the manner in which extensive tracts have been appropriated by large capitalists. "In justice, therefore, to the poorer class of settlers I consider it of vital importance that, "in allowing wild lands to be occupied for pasturage, the property of the Crown in these "lands should be effectually protected, so that as they are wanted for settlement they may "be sold at a price which, while it is too high to admit of large tracts being obtained "possession of by grasping speculators, is yet sufficiently moderate to throw no difficulty "in the way of the industrious settler who desires to purchase and to improve a farm of "moderate extent." He further says, "I admit that both the interest of the public and "of the individual occupiers of wild lands would be promoted by permitting such lands, "when not wanted for settlement, to be held for longer periods than has hitherto been "the practice, and securing to the occupier at the end of their tenancy the value of any "improvements they may have effected." He then proceeds to state,—"It is upon these "views that the Act passed in last session, of which a copy is herewith enclosed, is "founded." He concludes by stating that "the nature of the difference between "the conditions of the three classes of Districts is such that it is necessary to act "with extreme caution in classifying the lands in one or other of these districts, "since it would be a source of very serious injury, both to the colony and the mother "country, if at the end of eight or ten years it should be found that the progress of "emigration was checked by the Crown being unable to find lands to sell to intending "emigrants."

In his subsequent Despatch to the Governor, dated 30th March 1847, which accompanied the Order in Council, his Lordship observes, "Instead of leaving the classification "of lands to be settled by you, it has been embodied in the Orders in Council." And that this was done in consequence of arguments being used which convinced him that if such a delegation of authority were made very strenuous efforts would be made on the part of a numerous and powerful class to induce the Governor to include amongst the unsettled lands much of the territory which ought to be classed with the intermediate lands. Again, he says, "I have in my former despatch explained to you the great "importance which I attach to avoiding any error of this kind with a view to the "interests of future settlers, and how great was my anxiety that no undue extension

"should be given to the lands to be styled 'unsettled,' and which would thus be put out "of the power of the Crown, and rendered unavailable to the public for purchase, for the "long period of fourteen years."

It appears to your Committee, on a careful perusal of the Despatches of Earl Grey, that the Government in framing the Act of Parliament of 9 & 10 Victoria, and the Order in Council, intended that the lands held under lease or licence should not be locked up for a longer period than eight and fourteen years; and that they desired to prevent the proposed pastoral leases from in any way interfering with the sale of lands which might thereafter be required for settlement. The views of the Government in the years 1846 and 1847 in reference to the right which the leaseholder would acquire, correspond with those expressed by the Duke of Newcastle on the subject in his Despatch of 29th November 1853, to the Lieutenant Governor of Victoria, a copy of which was transmitted to the Governor General in his Despatch of the same date, and referred to your Committee. His Grace remarks, "It is perfectly clear that the real purpose of this Order in Council was "that fairly represented in your despatch, namely, to give encouragement to those "engaged in pastoral pursuits, the value of which to the colony is fully explained in your "despatches and fully recognized by Her Majesty's Government; it was intended to give "them adequate use of the land for the purpose of their particular industry, and adequate "protection against disturbance in it. It was not intended to give them advantages "beyond other members of the community towards becoming purchasers of Crown lands "except to the very limited extent required by them for their actual accommodation; "still less was it intended to enable them to become speculators in land, purchasing on "terms peculiar to themselves in order to sell again in the general market; and least of "all was it intended that their pastoral occupation should stand in the way of the "development of general population and industry, and of those facilities for the acquire-"ment of land by the public at large which are essential to that development."

It appears also, that the Governor and Executive Council of this colony in the first instance entertained similar views in reference to the disposal of the Crown lands by lease (see Correspondence, pp. 19. and 20.), and that up to the year 1850 they took great precaution to prevent lands likely to be required for settlement from being included in the pastoral leases, as will be seen on reference to the instructions to the Surveyor General, contained in the Colonial Secretary's letters of 12th November 1847 (p. 29.), and 20th March 1848 (p. 31.); also in the minute of the Executive Council of 28th June 1850 (p. 34., Sir T. Mitchell's evidence). Under these instructions, extensive reserves for settlement were made by the Surveyor General in the unsettled and intermediate districts, and these reserves are excepted from the pastoral leases. (See Minute of Executive Council of 12th May 1852, p. 7., Appendix D.) The reserves thus made, and the large extent of country brought within the settled districts under the said Order in Council of March 1847, and which thereby became wholly exempt from any claim by the former occupant either for lease or pre-emption, were, until the Order in Council of 1850, open to the public for purchase under the terms of the Land Sales Act, 5 & 6 Vict. c. 36.

After this a most important change was made in the land regulations, and one which appears to have introduced a policy directly opposed to that under which the Act of Parliament 9 & 10 Vict., and Orders in Council of March 1847, were originally framed.

On the 11th February 1851, a proclamation was issued by the Governor, notifying that an Order in Council had been made by Her Majesty, dated 19th June 1850. After reciting that certain regulations had been already made, and that it was expedient that further regulations should be made with regard to the colony of New South Wales, it is thereby ordered, that it shall be competent for the Governor for the time being to grant leases of land for periods not exceeding one year for pastoral or other purposes in any part of the said colony. And further, that it shall be competent for the Governor to sell to the holder of any leases granted in virtue of the said Order in Council any portion of the land comprised in such lease for its value in an unimproved state.

By another proclamation of the same date the Governor intimates that the power conferred by the said last-mentioned Order in Council was given for the purpose of enabling his Excellency to allow the value of their improvements to those licensed occupants of Crown lands on whom Her Majesty's Order in Council of March 1847, did not confer the rights of demanding leases, and who thus lost the privilege appertaining to lessees of purchasing land on which they had made improvements at its estimated value in an unimproved state; and it is not his Excellency's intention to use the powers conferred on him in any other cases than those which, as before explained, it was intended to meet, viz.:—

The cases of persons who hold land beyond the boundaries of location for other than pastoral purposes;

The cases of persons whose holdings or part of them, though previously beyond the boundaries of location as then existing, were by the Order in Council of March 1847, brought within the settled districts.

It is also declared that as respects lands held for pastoral purposes which had been brought within the settled districts by the Order in Council of March 1847, the right of pre-emption shall extend to all sections containing valuable improvement and to the sections contiguous thereto, and that no limits would be imposed as to the extent of land

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which the tenant might desire to purchase, but not less than 160 acres; and further, that in the towns and suburbs the lands to be purchased under pre-emptive right must be in accordance with the general plan of the town, and that only such town allotments as actually contain valuable improvements are to be taken without competition: the price to be the minimum upset price of lands in the same locality, unless the lands applied for possess more than ordinary value, when the price is to be fixed by assessment of valuers, as provided by Order in Council of March 1847.

As the last-mentioned proclamation specifies the two cases to which the Order in Council was intended to apply, it is evident the Imperial Government in framing it never contemplated that it would be applied to the purpose of rendering the township and other reserves made for settlement subject to the pre-emptive right of the occupant of the run from which they had been made. The colonial government, however, by subsequent regulations, have made these reserves subject to this pre-emptive claim. These regulations will be found in the letter from the Colonial Secretary to Colonel Barney, dated 27th of December 1851, and Minutes of the Executive Council, dated 17th November 1851, and 12th May 1852. (App. to Colonel Barney's Evidence, pp. 5. and 7.)

In the letter above referred to respecting the proposed formation of reserves for public purposes it is stated that the Governor General had directed the adoption of the several reserves proposed by the Surveyor General, and that the intended formation should be notified for public information in the Government Gazette, subject to the following limitations in favour of the licensed occupants thereby affected.

1. The formation of the intended reserve may be defeated wholly or in part by the licensed occupant of the run exercising within twelve months from the notification in the Gazette the pre-emptive right conferred on him by the Order in Council of 9th March 1847, in respect of the whole or any portion of the land so proposed to be reserved.

2. No such pre-emption to be less than 160 acres, and if under 320 acres the cost of measurement to be borne by the purchaser.

3. The price to be paid without competition to be 1*l.* per acre, or such higher price as may be fixed by valuers under the said Order in Council.

4. Lots to be selected in accordance with general rules laid down in the seventh section of chapter 5. of Orders in Council.

5. Should the occupant fail to exercise his pre-emptive right within twelve months after notification in Gazette, the reservation of the whole or the remainder will be absolute and indefeasible.

These recommendations are to apply to runs out of which reserves are for the first time being made.

In the Minute of the Executive Council, dated 12th May 1852 (after stating that the above regulation was clearly inapplicable to cases in which town reserves had already been laid out), the Council, after mature deliberation, record their opinion that it would tend to facilitate the proper issue of the leases if it were determined "absolutely to exclude every "reserve the formation of which had been or should before the preparation of the lease be "determined on under competent authority, and they advise accordingly." But in order to secure to occupants of runs in which township reserves had been made the lands on which they had effected valuable improvements during their authorized occupation, they recommend in the first instance "absolutely to exclude such reserves from the pastoral "lease, by which means the pre-emptive right will in regard to such land be defeated," and then to apply the principle of the Order in Council of June 1850, "by issuing a lease "for one year of so much as contains valuable improvements, in order that he may secure "such improvement by purchase without competition" upon the following terms:

1. Town lots; to purchase any block or number of blocks on which improvements may be situated, at 8*l.* per acre.

2. Suburban lands; to purchase any allotments containing such improvements by valuation in unimproved state.

But it is stated that this not being within the terms of the despatch accompanying the Order in Council of June 1850, by which the application of that order is restricted to the classes named therein, it will be necessary to procure the sanction of the Government to the arrangement proposed.

The Duke of Newcastle, in his Despatch, 7th February 1853, referring to the Governor General's Despatch of 23d July 1852, on the subject of the last-mentioned reserves, says, "I express my approval of the course by which you propose to give to the licensed occupant "of Crown lands the benefit of his improvements, and any portion of his land taken from "town or village reserves."

The last-mentioned Order in Council of June 1850, and the regulations of November 1851 and May 1852, having entirely taken away from the public the reserves and the lands brought within the settled districts under the Order in Council of March 1847, it is clear that, except in township reserves where the right of the lessee is limited to his improvements, the whole of the waste lands of the colony not included in the settled districts before the Order in Council of March 1847, are or have been subject to the pre-emptive right of the existing occupants during the term of their respective leases, and could not be sold to any other person till the expiration of such lease.

It is clear also that the Governor has a power of disposal under the Order in Council of 19th June 1850 of the entire waste lands of the colony, even within the old settled districts, although hitherto it has not been exercised in respect of these lands.

From the evidence of Sir T. Mitchell and Colonel Barney, it appears that under the last-mentioned Order in Council valuable reserves in the counties of Auckland and Dampier have been claimed by the present occupants of the runs, from which they have been excepted, in one instance the extent being 16,000 acres and another about 7,000 acres; and Colonel Barney's evidence shows that out of 42 applicants whose claims for purchase under the pre-emptive right have been settled, 41 have obtained their lands at the minimum price of 1*l.* per acre, without assessors, whilst only one claim of 368 acres has been subject to assessment. Sir T. Mitchell (p. 68. Appendix H.) points out other injuries resulting from the existing regulations.

Your Committee have been unable maturely to consider all the matters which have come under their notice during this inquiry; but having regard to the evils which have arisen from the operation of the present regulations, they feel called upon to recommend that no lessee should be allowed to purchase without competition any lands except such as comprise improvements, and in no case to a larger extent than 640 acres; and your Committee believe that under such a restriction the true spirit and intention of the Imperial Government would be carried out, and the interests of the public protected. They further recommend that the reserves should in no case be subject to the pre-emptive right of the lessee of the run; but in the event of the lessee's improvements being comprised in such reserves, compensation should be made for the same; and your Committee beg to express their opinion, that the granting of leases for one year of such reserves for the purposes of defeating the same, and enabling the occupant of the run to purchase them, is a violation of the Act of 9 & 10 Vict., and of the Order in Council of 1847, and opposed to the policy thereof. As the power given to the Governor under the Order in Council of 1850 to lease for one year, and to sell to the lessee without competition all lands within the settled districts, appears to your Committee to be an abrogation of the Land Sales Act of 5 & 6 Vict. 36, and not to have been contemplated by the framers of the Act of 9 & 10 Vict. c. 104 (see Earl Grey's Despatch of 29th November 1846), they recommend that the said Order in Council of 19th June 1850 should without delay be repealed; and that the present practice of ascertaining the value of lands applied for under the pre-emptive right being most unsatisfactory and open to great abuses, be discontinued, and an assessment in all cases made by disinterested persons. As it appears under the existing regulations the applicant to purchase, and whose claim is approved of, is not required to pay any portion of his purchase money at the time of approval, and that no period is fixed within which the purchase money is to be paid, whereas at auction the purchaser is required to pay ten per cent. deposit and the residue within one month; they also recommend that the applicants should pay a deposit upon application to purchase, equal to 1*l.* per acre upon the estimated quantity of land applied for, subject to adjustment of the balance on the survey of the lands, and assessment of their value being completed.

The power of the Governor to extend the period within which the applications for leases of runs should have been made under the said Order of Council of March 1847, has been carefully considered by your Committee, and they are of opinion that as the eleventh section of the said Order in Council expressly limits the time within which such leases should have been demanded, the extension of that time by the Governor was contrary to law, although it is understood that only a very small number of persons availed themselves of the privilege.

It appears also to your Committee, that it was the intention of the framers of the said Act of 9 & 10 Victoria, and of the said Order in Council, that the terms for which such leases respectively should be granted should in respect of runs occupied for one year before the said Order in Council came into operation commence at a period not later than six months after the proclamation of the said Order in Council in the colony; and that the Governor had not the power to extend the same, and that the extension thereof is opposed to the spirit of the said Act of Parliament and Order in Council.

Your Committee are also of opinion that as at the date of the minute of the Executive Council, October 1851, the gold discovery had already produced some effect on the state of the colony, an increased value having been given to the pastoral lands, and a great demand for agricultural lands having sprung up by reason of the increased immigration, and the improved circumstances of all classes of the colonists, it would have been the duty of the Executive Government, had they possessed an undoubted power to extend the term, to have refused to sanction any measure tending to impede the future settlement of the colony.

Your Committee further recommend that the inquiry be resumed during the next Session of Council.

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Appendix No. II.

NEW SOUTH WALES.

No. X.

An Act* to authorize the resumption or occupation and use of any lands required for purposes of military defence, and to make compensation to the owners thereof.

[Assented to 4th August 1854.]

Preamble.

Whereas it is expedient that the Governor of New South Wales should be authorized to resume permanently, and that the military authorities of the colony should have the power of occupying and using temporarily, as the case may require, any lands which it shall be considered important to the public service to take for the erection of fortifications, or for any other permanent or any temporary purpose of military defence: And whereas it is proper that compensation should be awarded and paid to the owners of such lands for such resumption, occupation, taking, or use thereof, and for any damage thereto: Be it therefore enacted by his Excellency the Governor of New South Wales, by and with the advice and consent of the Legislative Council thereof, as follows:—

Governor empowered to resume permanently, and military authorities to occupy and use temporarily, lands required for purposes of defence.

It shall be lawful for the Governor in the name and on behalf of Her Majesty to resume and take into Her Majesty's hands, or to cause to be occupied and used temporarily, any piece of land required for the erection of fortifications thereon, or for any other purpose connected with the defence of the colony against invasion or hostile or predatory attack, and to treat and agree with the owner thereof or any person having any interest therein for the surrender thereof to the Crown, or for the possession or use thereof during such time as the exigence of the public service shall require; and in case the owner of any such land, or any person having any interest therein, shall refuse or decline to enter into such contract touching the same as shall be satisfactory to the said Governor, or shall be unable to do so by reason of infancy, coverture, or other disability, or cannot be found or treated with as expeditiously as the exigence of the public service shall require, it shall be lawful for the Governor to notify in the Government Gazette that such piece of land has been resumed, or is to be temporarily occupied or used for purposes of defence; and thereupon the fee-simple of the said land, or the right to the occupation or use thereof according to the exigence of the public service, as the case may be, shall immediately vest in Her Majesty; and the amount of compensation to be made for the surrender, resumption, occupation, or use of such land to the owners and other persons interested therein shall be determined in the Supreme Court by an action for damages to be brought by the claimant against the Colonial Treasurer, or upon an issue agreed to by the claimant and the Colonial Treasurer: provided that, in all cases in which an action shall be brought in the Supreme Court in respect of any such claim, it shall be lawful for the Colonial Treasurer to plead in bar of such action any tender which may have been made by him on paying into court in the usual way, according to the practice of the court, the amount of the money tendered, or to pay into court such money as the Colonial Treasurer shall think fit, and to plead such payment in bar of the further maintenance of such action; and whichever party shall succeed in such action or upon such issue as aforesaid shall be entitled to costs, to be awarded and recovered according to the practice of the Court.

Charles Nicholson, Speaker.

Passed the Legislative Council this twenty-sixth day of July One thousand eight hundred and fifty-four.

Wm. Macpherson,
Clerk of the Council.

In the name and on the behalf of Her Majesty, I assent to this Act.

Chs A. Fitz Roy,
Governor General,

Government House, Sydney,
4th August 1854.

Appendix, No. III.

NEW SOUTH WALES.

No. XXVII.

An Act* for protecting Inclosed Lands from Intrusion and Trespass.

[Assented to 29th November 1854.]

Preamble.

Whereas it is expedient to make further alterations for the protection of inclosed lands from intrusion and trespass: Be it enacted, by His Excellency the Governor of New South Wales, by and with the consent of the Legislative Council thereof, as follows:

Penalty upon unlawful entry into inclosed lands.

I. Any person who shall, without lawful excuse, enter into the enclosed lands of any other person without the consent of the owner or occupier thereof, or the person in charge of the same, shall forfeit and pay any sum not exceeding five pounds, and the proof

* Her Majesty's assent to these Acts conveyed in Lord John Russell's Despatches No. 8, of 3d May 1855, and No. 35, of 7th June 1855.

of such lawful excuse shall be upon the person charged with any offence against the provisions of this enactment.

II. If any person shall enter into or upon the enclosed lands of any other person, and shall wilfully or negligently leave open or down any gate or slip-panel, such person shall forfeit and pay any sum not exceeding ten pounds. Penalty upon leaving open gates and slip-panels.

III. Any person who may be found committing any offence against any of the provisions of this Act, and who shall refuse, when thereunto required, to give his name and place of abode, shall be liable to be apprehended by the owner or occupier, or the person in charge of such enclosed lands, and delivered to the custody of the nearest constable or peace officer, to be taken and conveyed before a justice of the peace, to be dealt with according to law; and any person who, upon being so required to give his name and place of abode, shall give any false or fictitious name or place of abode, shall forfeit and pay any sum not exceeding five pounds. Persons violating this Act may be apprehended.

IV. It shall be lawful for the proprietor or occupier, or any person having the charge of any enclosed lands, to destroy any goat found trespassing thereon. Goats to be destroyed.

V. It shall be lawful for any constable or peace officer to seize or destroy any goat found straying or at large in any road, street, or public place. Constable to destroy goats in certain places.

VI. The words "enclosed lands" in this Act shall mean any lands, either private or public, which may be enclosed or surrounded with any fence, wall, or other erection by which the boundaries thereof may be known or recognized; and the word "person" shall be deemed to extend to any body corporate. Interpretation clause.

VII. All penalties hereby made payable or recoverable may be recovered in a summary way before any Justice as by law is or shall be provided. Penalties to be recovered summarily.

VIII. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be commenced within two calendar months after the fact was committed, and not otherwise, and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action. And in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon. Limitation of action. General issue.

CHARLES NICHOLSON, Speaker.

Passed the Legislative Council this fifteenth day of November, one thousand eight hundred and fifty-four.

WM. MACPHERSON,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

CHAS. A. FITZ ROY,
Governor-General.

Government House, Sydney,
29th November 1854.

APPENDIX No. 4.

NEW SOUTH WALES.

No. XXVI.

An Act* to authorize the levy of an assessment upon sheep and cattle depastured upon Crown lands beyond the settled districts. [Assented to 13th November 1855.]

WHEREAS under the authority of the Act of the Imperial Parliament, 9th & 10th Victoria, cap. 104, Her Majesty the Queen, by an Order in Council made on the ninth day of March in the year one thousand eight hundred and forty-seven, was pleased to make provision for the granting of leases of runs of land within the unsettled and intermediate districts for pastoral purposes, according to certain regulations in the said order contained as to the scale of rents to be payable for the occupation of such runs; and it was by the said Order in Council declared and ordered, that the rents to be paid according to the said scale were to be observed exclusively of any then existing assessment of taxes or rates on sheep and cattle, and were to be paid without abatement on account of the then existing or any future assessment of taxes or rates on sheep and cattle, and were in no way to interfere with the right of the Colonial Legislature to impose from time to time such assessments as might be deemed advisable: And whereas it is deemed advisable to impose upon the said occupants of lands beyond the settled districts such assessment in respect to their sheep and cattle as herein-after mentioned: Be it therefore enacted by his Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, as follows:— Preamble.

I. In each and every year there shall be levied and paid upon and in respect of the stock of every person pasturing or keeping the same, upon any lands situate beyond the settled districts of the said colony as the same now are or hereafter may be defined, Yearly assessment on stock.

* Her Majesty's assent to this Act conveyed in Mr. Labouchere's Despatch No. 53, of 2nd May, 1856.

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the assessment following, that is to say;—for every sheep the sum of one halfpenny; for every head of cattle, including horses, the sum of three-pence; which assessments respectively shall be paid by the person assessed before the first day of May in each year at the office of the Colonial Treasurer in Sydney, or to such other officer or officers, or at such other place or places as shall be appointed in that behalf by the Governor for the time being.

Persons pasturing stock to make returns to Commissioner.

II. Every person pasturing or keeping stock as aforesaid shall make or cause to be made to the Commissioner of the district wherein the said stock is pastured, a return on the first day of January, or within fourteen days thereafter, in each and every year, according to the form contained in the Schedule hereunto annexed marked A., of all sheep, cattle, and horses kept and pastured by him as aforesaid; and if any such person shall fail or neglect to make or cause to be made such return at the time so appointed, or shall omit to deposit the same with the said Commissioner in manner hereby required, he shall, on conviction before any two or more Justices of the peace, forfeit and pay for every such offence a sum not less than forty shillings nor exceeding fifty pounds.

Penalty for neglect.

Returns to be verified by declaration.

III. The person making such return as aforesaid shall verify the same by a declaration in the form or to the effect prescribed in the said Schedule (which declaration any justice of the peace is hereby empowered to administer), that the several matters and things contained in such return are true to the best of his knowledge and belief; and if any person shall wilfully make therein any false statement as to any material particular, he shall be deemed guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to fine and imprisonment, or either.

Commissioner to make annual return to Colonial Treasurer,

IV. The several Commissioners shall at the beginning of February in each and every year make an assessment on the stock pastured within their respective districts, and shall on or before the fifteenth day of February then next ensuing make a return thereof to the said Colonial Treasurer or other person appointed as aforesaid, in the form and containing the several particulars set forth in the Schedule to this Act annexed, marked with the letter B., according to which return the assessment herein-before mentioned shall, upon notice as herein-after provided, be due and payable as aforesaid by the persons therein assessed, except in so far as the same may be affected by any order made on appeal under the provisions herein-after contained; and in such assessment and return the respective Commissioners shall include, according to the best of their knowledge or information, the stock of any person by whom or on whose behalf no return shall at the time of the making of such assessment have been made according to the provisions of he second section hereof.

according o which assessment to be charged.

Commissioner to give notice to parties of amount of assessment.

V. The said several Commissioners shall, not less than one calendar month previous to the time herein-before appointed for the payment of the said assessment, cause a notice in writing in the form contained in the Schedule hereunto annexed marked C., to be served upon each person assessed, or to be left at the residence of such person (if within the district), or with the superintendent or person having the charge of his stock (if the owner thereof shall not reside within the district), apprising him of the amount of assessment to which he is liable, and requiring him to pay the said amount at the office of the said Colonial Treasurer, or other place appointed as aforesaid, before the first day of May next ensuing.

Persons aggrieved to appeal to Petty Sessions.

VI. Any person assessed as aforesaid who shall consider himself aggrieved by such assessment may appeal to the nearest court of petty sessions; provided that within ten days after the service of the said notice of assessment, the person assessed, or some one on his behalf, shall give to the said Commissioner a notice in writing of his intention to make such appeal upon some day to be therein mentioned, not later than fourteen days after the date of such last-mentioned notice; and the justices sitting in petty sessions shall hear and determine the matter of the said appeal in a summary way, and shall make such order therein as to them shall seem meet, according to the true intent and meaning of this Act; and in case of the dismissal of the appeal or the affirmance of the said assessment wholly or in part, or in case the party assessed or some person on his behalf shall not appear to prosecute the appeal, the Court shall order and adjudge the person so assessed to pay within ten days the amount of such assessment, or of such part thereof as they shall have determined to be payable, into the office of the said Colonial Treasurer (or other place appointed as aforesaid), and also such costs and expenses as may be awarded to the said Commissioner by the said Court; and if such assessment, costs, and expenses be not paid within such time the said Court shall and may issue a warrant to levy the amount thereof by a distress and sale of a sufficient part of the stock in respect of which such assessment shall have been made as aforesaid; and the surplus, if any, after payment of such assessment, costs, and expenses shall be paid to the owner of such stock.

In cases of refusal or neglect to pay assessment, &c., Colonial Treasurer to issue warrant to levy amount.

VII. In case any person liable to pay any such assessment as aforesaid, or in case any person so adjudged to be liable to payment of the said assessment or any part thereof, shall refuse or neglect to pay the same upon the day appointed by such notice, or within the time appointed in cases of appeal as aforesaid, as the case may be, it shall and may be lawful for the said Colonial Treasurer, or other person appointed by the Governor in that

behalf, and he is hereby required forthwith after the expiration of one month from the day or time so appointed to issue a warrant under his hand to the Commissioner in whose district any person so refusing or neglecting to pay as aforesaid shall reside, directing the said Commissioner and his assistants to levy the amount which such person is so liable to pay as aforesaid, together with an additional sum equal to one fifth part of that for which he is so liable by way of penalty for such refusal or neglect, by a distress of a sufficient part of the stock in respect of which the assessment shall have been made as aforesaid; and such Commissioner and his assistants to whom such warrant shall be so directed are hereby authorized, under and by virtue thereof, to distrain, take, and drive to the nearest or most convenient pound such and so many of the stock of the party in said warrant mentioned as shall be sufficient (when sold) to pay the amount of such assessment and penalty, and the costs and expenses of making such distress and the payment of the driving, care, and maintenance of such stock till sold; and the said stock (or a sufficient part thereof) to sell and dispose of at such pound, according to the ordinary course of sales of stock impounded for trespasses (unless previously thereto the said assessment, penalty, costs, and expenses shall be paid); and the proceeds thereof shall be applied to the payment of the assessment, penalty, costs, and expenses aforesaid, and the surplus (if any) shall be paid to the owner or superintendent of the said stock; provided, however, that when such warrant shall be so issued as aforesaid, in case the amount of the assessment, penalty, costs, and expenses shall be tendered to the person charged with the execution of such warrant, then and in such case the said person shall and he is hereby authorized to accept and receive the said amount, and to give a receipt for the money so received, and to refrain from making and executing or further proceeding under the said distress.

Proviso.

VIII. All penalties, fines, and forfeitures incurred or imposed under this Act shall and may be sued for and recovered in a summary way before any one or more justice or justices of the peace; and the same shall commence to be sued for within twelve calendar months after the occurrence of the matter or thing for which such penalties, fines, and forfeitures respectively shall be demanded.

Mode of recovering penalties.

IX. And for the protection of persons acting in execution of this Act, Be it enacted, that all actions for anything done under this Act shall be commenced within six calendar months after the fact was committed, and not otherwise; and notice in writing of such action and the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action, and in every such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant, together with costs incurred up to that time; and if a verdict shall pass for the defendant, or the plaintiff become nonsuited or discontinue such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

All actions for things done under this Act to be brought within six months.

Plaintiff shall not recover if tender of amends made before action brought, or a sufficient sum paid into Court after action brought.

X. All sums of money payable under and by virtue of this Act shall be paid to Her Majesty, Her heirs and successors, towards the public expenditure for the maintenance of a police force and other local purposes beyond the said settled districts, and shall be applied thereto in such manner as may from time to time be directed by any Acts to be passed by the Governor and Legislative Council of the said colony.

Appropriation of sums payable under this Act.

XI. No order, judgment, or other proceeding made touching and concerning any of the matters aforesaid or touching and concerning the conviction of any offender against this Act shall be quashed or vacated for want of form only, or be removed or removable by certiorari or by any writ or process whatsoever into Her Majesty's Supreme Court of New South Wales.

No certiorari.

XII. All prosecutions, suits, actions, informations, or complaints to be brought under or by virtue of this Act, or upon or by reason of the breach of any of the provisions thereof, shall and may be so brought by any Commissioner for and on behalf of Her Majesty, Her heirs and successors; but nevertheless such Commissioner shall and may be admitted to give evidence in or upon any such prosecution, suit, action, information, or complaint; and upon any proceeding before justices of the peace under this Act it shall not be necessary to have a formal information, but it shall be sufficient that the cause of complaint or proceeding shall be stated with reasonable distinctness by affidavit or deposition.

All informations to be brought by Commissioners.

XIII. In the construction of this Act the term "stock" shall be deemed and taken to mean and include sheep, cattle, and horses; and the word "sheep" when specifically used in this Act shall be deemed and taken to mean and to include rams, ewes, wethers, and lambs; and the word "cattle" when specifically used in this Act shall mean and include bulls, cows, oxen, heifers, steers, and calves; and the word "horses" when specifically used in this Act shall mean and include horses, mares, geldings, colts, and fillies.

Interpretation clause.

APPENDIX.

Commencement of Act.

XIV. And be it enacted, that this Act shall commence from and after the thirty-first day of December now next ensuing, and shall thenceforth continue in full force and effect for a period of one year.

CHARLES NICHOLSON, Speaker.

Passed the Legislative Council this first day of November, one thousand eight hundred and fifty-five.

WM. MACPHERSON,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

W. DENISON,
Governor-General.

Government House,
13th November, 1855.

SCHEDULES REFERRED TO.

A.

1st day of January 18 .

RETURN of Live Stock kept and pastured by Mr. in the district of , beyond the settled districts of the colony, rendered in conformity with the provisions of the Act of the Governor and Council, 19 Victoria, No. 26.

STATION.	Person superintending.	Estimated extent of Run.	Stock on Station belonging to, or in charge of Mr.		
			Horses, and how branded.	Cattle, including Calves, and how branded.	Sheep, including Lambs, and how marked.

I, A.B., do solemnly declare, that to the best of my knowledge and belief the foregoing is a true and faithful account of all sheep, horses, and cattle of every kind kept or pastured by me, or under my charge on the several stations above mentioned within the district of ; and I make this declaration by virtue of the Act of the Governor and Council of New South Wales, 19 Victoria, No. 26.

A. B.
Proprietor or Superintendent
(as the case may be).

Declared before me, at , this day of 18 .
J.P.

B.

1st day of 18 .

YEARLY Return of Live Stock in the district of , with a Statement of the amount of assessment chargeable thereon in accordance with the provisions of the Act of the Governor and Council, 19 Victoria, No. 26.

Stations or Runs.	Persons assessed.		Persons superintending.	Estimated extent of each Run.	Stock at each Station.			Amount of Assessment.	Total.
	Lessees.	Licensed Occupants.			Horses, threepence per head.	Cattle, threepence per head.	Sheep, one half-penny per head.		

Signature of Commissioner.

C.

District of

No. . Commissioner of Crown Lands Office,
18 .

The amount with which you are assessed for the year from 1st January to 31st December, 18 , under the provisions of the Act of the Governor and Council, 19 Victoria, No. 26, on the under-mentioned stock pastured by you in this district, is as follows, viz.:—

		£	s.	d.
Horses - - - -	at 3*d.* per head			
Head of cattle - - -	at 3*d.* per head			
Sheep - - - -	at ½*d.* per head			
	£			

which said sum of pounds, shillings, and pence, you are hereby required to pay at the office of the Honourable the Colonial Treasurer in Sydney (or at , as the case may be) before the 1st day of April next.

Or, if you consider yourself as having any just cause for appealing against the said assessment, you will please to observe that notice of such appeal must be lodged with me within ten days from the date of the delivery of this notice in the manner prescribed by the said Act. As witness my hand at this day of 18 .

Commissioner of Crown Lands.

To _____
_____

Appendix No. 5.

VICTORIA.

No. XX.

An Act* to authorize for a limited period an assessment on stock.

[Assented to 11th April 1854.]

Preamble.

Whereas it is expedient that an assessment should be raised and levied for a limited period upon all stock pastured beyond the settled districts: Be it therefore enacted by his Excellency the Lieutenant-Governor of the Colony of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:

Yearly assessment on stock.

I. In and for the remainder of the year one thousand eight hundred and fifty-four, and in and for each of the following years, there shall be levied and paid upon and in respect of the stock of every person depasturing or keeping the same upon any waste lands of the Crown situate beyond the settled districts of the said colony, as the same now are defined, the following assessments; that is to say: for every sheep the sum of twopence, for every head of cattle the sum of one shilling, and for every horse the sum of two shillings; which assessments respectively shall be paid by the person assessed before the first day of August in the year one thousand eight hundred and fifty-four, and before the thirty-first day of March in every subsequent year, at the office of the Colonial Treasurer at Melbourne, or to such other officer or at such other place as shall be appointed in that behalf by the Lieutenant-Governor.

Returns of stock to Commissioner.

II. Every person pasturing or keeping stock as aforesaid shall, if not previously made, cause to be made to the Commissioner of the district within which the said stock is pastured a return on the first day of June for the year one thousand eight hundred and fifty-four, and on the first day of January for every subsequent year, or within fourteen days thereafter respectively, according to the form contained in the Schedule hereunto annexed marked A., of all stock kept and pastured by him as aforesaid; and if any such person shall fail or neglect to cause such return to be made at the time so appointed, or shall omit to deposit the same with the said Commissioner in manner hereby required, he shall upon conviction before two or more justices of the peace forfeit and pay for every such offence a sum not less than forty shillings nor exceeding fifty pounds.

Stock not returned to be impounded and sold.

III. After the first day of June in the year one thousand eight hundred and fifty-four and the thirty-first day of March in every subsequent year, it shall be lawful for the Commissioner and his assistants in each and every district (but subject to such direction as the Lieutenant-Governor may think proper to give in any case) to seize and drive to the nearest or most convenient pound all stock pasturing as aforesaid whereof a return shall not by that time have been made by the person keeping or pasturing the same in conformity with the provisions in that behalf herein-before contained, and the said stock to sell and dispose of

* Her Majesty's assent to this Act conveyed in Sir G. Grey's Despatch No. 36, of 4th Nov. 1854.

APPENDIX.

at such pound according to the ordinary course of sales of stock impounded for trespass, unless in the meantime the owner thereof shall have claimed the same and shall pay by way of penalty to the said Commissioner or pound-keeper the sum of sixpence for every sheep and five shillings for every head of other stock, together with the expenses chargeable thereon for poundage and food, which penalty and expenses the owner of such stock shall be liable to pay; provided always, that upon such claim being made by a person who shall satisfy the said Commissioner or pound-keeper that he is the lawful owner of any such stock so impounded, and upon such payment as last aforesaid the said stock shall be restored to such owner; and provided further that all monies realized by any such sale as hereby authorized, and all payments made as aforesaid, shall be forthwith transmitted by or through the said Commissioner to the Colonial Treasurer at Melbourne; and the surplus realized by any such sale as aforesaid over and above the amount of such penalty as last aforesaid and the expenses aforesaid shall be paid to the owner of any such stock so sold upon a certificate from the said Commissioner of his being such owner.

Annual return to Colonial Treasurer.

IV. The several Commissioners shall on or before the first day of July in the year one thousand eight hundred and fifty-four and on or before the thirty-first day of January in every succeeding year, make a return to the said Colonial Treasurer or other person as aforesaid, according to which the assessment herein-before mentioned shall upon the notice herein-after provided be due and payable as aforesaid by the persons therein assessed.

Notice to be given of assessment.

V. The said Commissioners shall not less than one calendar month previous to the time hereinbefore appointed for the payment of the said assessment, cause to be published in the Government Gazette and local newspapers a notice requiring each person assessed to pay his assessment at the office of the said Colonial Treasurer, or other place appointed as aforesaid, before the first day of August in the said year one thousand eight hundred and fifty-four, and before the thirty-first day of March in every subsequent year.

Persons making erroneous returns and defaulters to be served with notice.

VI. In case any error or inaccuracy shall appear in any such return of stock or amount of assessment to be made and deposited by the person pasturing or keeping such stock as aforesaid, or in case default shall be made in payment of the assessment on the days appointed as aforesaid, it shall be lawful for the said Commissioners to cause notice thereof respectively to be served on any person making such erroneous or inaccurate returns, or on such defaulter, as the case may be; and every such notice shall specify the errors or inaccuracies in any such return, the amount of assessment actually due, and the costs of the service of such notice, and the expenses of such service shall be added to such assessment, and shall be recovered as hereinafter mentioned.

Payment of assessment by distress, &c.

VII. In case any person liable to pay any such assessment as aforesaid shall refuse or neglect to pay the same upon the day appointed by such notice, it shall and may be lawful for the said Colonial Treasurer, or other person appointed by the Lieutenant-Governor in that behalf, and he is hereby required forthwith after the expiration of one month from the day or time so appointed to issue a warrant under his hand to the Commissioner in whose district the stock of any person so refusing or neglecting to pay as aforesaid shall be depasturing, directing the said Commissioner and his assistants to levy the amount which such person is liable to pay as aforesaid together with an additional sum equal to one-fifth part of that for which he is so liable by way of penalty for such refusal or neglect, and the expenses of service as aforesaid by a distress of a sufficient part of the stock in respect of which the assessment shall have been made as aforesaid, and such Commissioner and his assistants to whom such warrant shall be so directed are hereby authorized by virtue thereof to distrain, take, and drive to the nearest or most convenient pound such and so many of the stock of the party in the said warrant mentioned as shall be sufficient (when sold) to pay the amount of such assessment and penalty, and the costs and expenses of making such distress, and the payment of the maintenance of such stock till sold, and the said stock (or a sufficient part thereof) to sell and dispose of at such pound, according to the ordinary course of sales of stock impounded for trespasses (unless previously thereto the said assessment, penalty, costs, and expenses be paid) and the proceeds thereof shall be applied to the payment of the assessment, penalty, costs, and expenses aforesaid, and the surplus (if any) shall be paid to the owner or superintendent of the said stock; provided, however, that when such warrant shall be so issued as aforesaid in case the amount of the assessment, penalty, and expenses therein mentioned shall be tendered to the person charged with the execution of such warrant, then and in such case the said person shall and he is hereby authorized to accept and receive the said amount, and to give a receipt for the money so received, and to refrain from making and executing the said distress; provided further, that in the event of no sufficient distress being found to pay satisfactorily the full amount of the said assessment, penalty, costs, and expenses, the same or any unpaid portion thereof shall be recoverable as a debt due to the said Commissioner in any Court of competent jurisdiction in the said colony.

Recovery of penalties.

VIII. All penalties, fines, and forfeitures incurred or imposed under this Act shall and may be sued for and recovered in a summary way before any one or more justice or justices of the peace; and no such proceeding shall be quashed or set aside for want of form or be removable by certiorari into the Superior Court of the said colony.

Limitation of actions.

IX. All actions for anything done under this Act shall be commenced within six calendar months after the act was committed and not otherwise, and notice in writing of

such action and the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action, and in every such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant, together with costs incurred up to that time; and if a verdict shall pass for the defendant or the plaintiff become nonsuited or discontinue such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

Informations, &c., how brought.

X. All prosecutions, suits, actions, informations, or complaints to be brought under or by virtue of this Act, or upon or by reason of the breach of any of the provisions thereof, shall and may be brought by any Commissioner for and on behalf of Her Majesty, Her heirs and successors, but nevertheless such Commissioner shall and may be admitted to give evidence upon any such prosecution, suit, action, information, or complaint.

Limitation of prosecutions.

XI. No prosecution, suit, or complaint shall be brought under or by virtue of this Act by reason of the breach of any of the provisions thereof after the lapse of twelve calendar months from the occurrence of the matter or thing to which such prosecution, suit, or complaint may relate.

Interpretation clause.

XII. In the construction of this Act the term "Commissioner" shall be deemed and taken to mean a Commissioner of Crown lands appointed by the Lieutenant-Governor; the term "district" the limits within which a Commissioner of Crown lands has been or may hereafter be appointed to act; the term "stock" shall include sheep, cattle, and horses; the word "sheep" shall include rams, ewes, wethers, and weaned lambs; the word "cattle" shall include bulls, cows, oxen, heifers, steers, and calves above six months old; and the word "horses" shall include horses, mares, geldings, colts, and fillies above six months old.

Commencement and duration of Act.

XIII. This Act shall continue in force and effect for the period of two years from the first day of January one thousand eight hundred and fifty-four.

SCHEDULE REFERRED TO.

A.

day of 185 .

RETURN of Live Stock kept and pastured by Mr. in the district of beyond the settled districts of the colony, rendered in conformity with the provisions of an Act of the Lieutenant-Governor and Legislative Council, 17th Victoria, No.

STATION.	Person superintending.	Amount of stock on station belonging to, or in charge of Mr.			Amount of assessment payable.		
		Horses at 2s. per head.	Cattle at 1s. per head.	Sheep at 2d. per head.	£	s.	d.
Total Amount payable at the Treasury on or before the day of A.D. 185 £							

A.B.
Proprietor or Superintendent
(as the case may be).

Dated this day of 18 .

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APPENDIX No. 6.

VICTORIA.

No. XXIX.

An Act* to amend an Act intituled "An Act for making and improving roads in the "Colony of Victoria." [Assented to 12th April 1854.]

Preamble.

WHEREAS it is expedient to amend an Act of the Lieutenant-Governor and Legislative Council of the colony of Victoria passed in the sixteenth year of the reign of Her present Majesty, intituled "An Act for making and improving roads in the colony of Victoria:" Be it therefore enacted by his Excellency the Lieutenant-Governor of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:

16 Vict. No. 40.

Residence of Justice dispensed with.

I. It shall be lawful for any Police Magistrate or Commissioner of Crown lands being a Justice of the peace residing nearest to any proclaimed road district upon receiving a requisition in accordance with the provisions of the tenth section of the said recited Act to call a meeting of the landholders and householders of such road district for the purpose therein mentioned, although such Police Magistrate or Commissioner of Crown lands may not then be resident within such road district.

Power for Lieutenant Governor respecting Tolls to be raised.

II. It shall be lawful for the Lieutenant-Governor pursuant to the provisions of the nineteenth section of the said Act to declare, alter, and revoke the rates of tolls to be collected by the central road board in manner herein-after directed in like manner as by the said section is directed as to a district road board, and it shall be lawful for the said central road board or any person authorized by them to collect and receive such tolls.

Provisions respecting Tolls by District Road Board applicable to Tolls raised by Central Board.

III. The several provisions in the twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, and twenty-fifth sections of the said Act as to a district road board levying toll, and as to people using road liable to tolls and as to exemption from toll, and as to penalty for fraudulently claiming exemption from toll, and as to penalty for evading tolls or forcing toll-bars or toll gates, and as to collectors having their names painted on front of toll-houses, shall be deemed to authorize the said central road board to levy tolls and erect toll-bars, toll-gates, and toll-houses, and to do and cause to be done all other acts which any district road board is thereby authorized to do in their respective districts, and all such provisions of the said Act shall apply and extend to the said central road board, and to such tolls so levied by the said board, and to the enforcement, exemption, and evasion of such tolls as fully as to any district road board, and to any tolls levied or to be levied by any such board.

Provisions respecting Tolls of Punts extended to Tolls of Roads.

IV. The several provisions in the twenty-sixth section of the said Act as to the central road board letting and farming out tolls at a punt or ferry shall be extended and deemed to apply to the last-mentioned board letting and farming out tolls upon main and other roads payable under this Act, and as to the rights, duties and liabilities of their lessees or farmers.

Boats and other vessels may not ply for hire within one mile of a public ferry.

V. It shall not be lawful for any person or persons whomsoever to hire or employ or ply for hire with the view of evading the provisions of the said recited Act, any boat, punt, or other vessel for the carrying across any river or creek where any punt or ferry shall or may be proclaimed and established, or within one mile of any punt or ferry any passengers, beasts, carts, or carriages, under the penalty in every such case of any sum not exceeding twenty pounds to be recovered in manner provided by the said recited Act.

Limitation on assessment extended.

VI. The limitation of assessment fixed in the twenty-seventh section of the said Act shall be repealed, and in lieu thereof it shall be lawful for any such road board to levy any assessments in the following proportions, namely, on unalienated waste lands of the Crown held on license or lease at the rate of one farthing per acre, on pasture land alienated by the Crown at the rate of one penny per acre, and on cultivated lands at the rate of one shilling per acre, and the sum of one shilling in the pound on the actual annual rental or annual valued rental of messuages, tenements, or dwelling houses, and so in the like proportions at any greater or lesser rates.

Persons requiring a road through any other person's land.

VII. In case the proprietor of any land alienated by grant from the Crown, and not situate within the district of any district road board in actual operation to no part of which land any road shall have been traced or established from the nearest highway shall be desirous to have a road from the said highway communicating with the said land through the lands of any other person, every such proprietor may make application in writing to the court of general sessions for the district in which such road shall be required, setting forth distinctly the situation of such land and the direction of the proposed road, and through what other land the same may be required to pass in order to reach such highway, first giving notice in writing one month at least previous to the holding of such general sessions to all proprietors or occupiers of such other land, and to the Surveyor General of the said colony of Victoria of his intention to make such application, and thereupon the said Court shall hear the parties and the said Surveyor General or any person deputed by him, and shall decide as to the propriety of such road being made and the direction in which the same shall be made, with reference as well to the application of the parties then before the Court as to the general benefit and convenience of all other persons owning or occupying lands adjacent to those of the said

* Her Majesty's assent to this Act conveyed in Sir G. Grey's Despatch No. 36, of 4th Nov. 1854.

parties, and to the general advantage of the district in which such lands shall be situate, and shall cause to be taken down in writing all such evidence as shall be produced in support of and against the said application, and shall transmit the same to the office of the said Surveyor General: provided that, in case any of the parties shall consider himself aggrieved by the decision of the said Court, it shall be lawful for him within one calendar month after such decision to appeal to the Lieutenant-Governor and the Executive Council of the said colony of Victoria, whose decision without hearing any further evidence shall be final. Provided further, that such road shall be fenced in by a substantial fence on both sides thereof at the expense of such proprietor so applying as aforesaid before such road is opened for use. Provided lastly, that nothing herein contained shall authorize the several possessors or occupiers of land originally forming one grant from the Crown but subsequently divided to claim the right of more than one common road through the lands of any other person.

Surveyor General within two months after decision to mark out line of road.

VIII. In case the propriety of making such private road as last aforesaid shall have been determined in manner aforesaid, either by the said Court or upon appeal, the said Surveyor General shall cause such intended road to be traced and marked out as nearly as may be practicable in the direction approved by the said Court or by the Lieutenant-Governor and Executive Council as aforesaid; and such road shall not be more than twenty feet wide in the clear, and the said line of road so traced and marked out shall be from thenceforth a private road for the use of the person applying for the same, and all others requiring to use the said road.

Powers of Inspector General.

IX. The several rights, powers, and authorities conferred upon the Inspector General by or treated as vested in or belonging to him in the following sections of the above-recited Act, namely, the thirty-eighth, thirty-ninth, fortieth, forty-third, forty-fourth, forty-sixth, forty-seventh, forty-ninth, fiftieth, and fifty-first, shall be and are hereby conferred upon and vested in the said central road board or any district road board, as the case may be; and the said Inspector General shall have no further right, power, or authority in relation thereto, than as he may derive the same from the express or implied direction or approbation of the said central or district road board respectively.

District Road Board may use land as temporary road.

X. The powers contained in the forty-fourth clause of the said recited Act shall be vested in and may be exercised by every district road board formed under the provisions of the said Act.

Roads through private lands where no road previously existed, must be fenced in.

XI. The forty-fifth clause of the said Act shall be repealed, and in all cases where an alteration of a road or a new road is made upon any lands alienated from the Crown and through which no surveyed road previously existed, such road so altered or made shall be fenced in on both sides with a substantial fence before it is thrown open for public use, the expense of such fence to be defrayed by the central or district road board carrying on such work, or by the persons requiring and applying for such road, as the case may be.

Power of District Road Board to anticipate funds.

XII. It shall be lawful for any district road board notwithstanding the fifty-fourth section of the said Act erroneously numbered the fifty-fifth section in the printed copies of the said Act, to enter into any contracts or agreements exceeding the funds actually at the time under their disposal or under their control, not exceeding the rates receivable by them for twelve months after such contract or agreement.

Appropriation of monies raised by tolls, &c.

XIII. The fifty-fifth section of the said Act (erroneously numbered the fifty-sixth section in the printed copies thereof) shall be repealed, and in lieu thereof all monies raised by tolls or otherwise under or by virtue of the said recited Act by the central road board, shall be accounted for and paid into the hands of the Colonial Treasurer at such times and in such manner as the Lieutenant-Governor shall appoint, to be applied in and towards the maintenance and repair of the road upon which or upon the main line of which such tolls shall be raised; and all monies which shall be raised by tolls, assessments, or otherwise under or by virtue of the said recited Act or this Act by any district road board, shall within ten days after the same shall be received be laid out for the public purposes of the said district board, or lodged in such bank or banks as such district board shall from time to time select, and the fund from time to time in such bank or banks shall be applied in furtherance of the purposes of the said recited Act or this Act by the district board under whose superintendence the same shall have been so assessed and levied or to which the same shall be payable, and shall be paid out upon cheques upon such bank or banks signed by at least two members of such board, of whom one shall be the chairman.

Powers of Lieutenant Governor not affected.

XIV. Nothing in the said recited Act or in this Act contained shall be deemed to affect the right of the Lieutenant-Governor of the said colony to take possession of any land therein for the purpose of making roads through the same according to the powers of resumption contained in the grant thereof from the Crown.

Power for Central and District Road Board to make rules.

XV. It shall be lawful for the said central and district road boards respectively to make such rules and orders as they may deem expedient concerning the manner in which the public shall use the several roads, bridges, and punts under their respective management or control as to the description and number of the carts, carriages, and vehicles, and the animals traversing the same, and the velocity with which they shall move over the same, and the sides thereof at which they shall go and pass one another, and as to the suspension of the use thereof for the purpose of any alterations or repairs, and to cause

APPENDIX.

such rules and orders to be posted, placarded, and published in such manner as they shall think fit, and any person infringing or violating any such rule or order shall be liable to a penalty not exceeding twenty pounds, such penalty to be enforced by such order and subject to such appeal as the other penalties enforceable under the said recited Act.

Rules to be laid before Governor and Executive Council.

XVI. The said boards respectively shall, with all convenient speed, forward copies of such rules and orders to be laid before the Lieutenant-Governor and the Executive Council of Victoria, who may revoke the same and cause such revocation to be published in the Government Gazette.

If any driver ride without a person to guide his beast.

XVII. If the driver of any carriage of any kind (carriages driven by reins only excepted,) shall ride thereon along any public or private road, not having some other person on foot or on horseback to guide the same, or shall drive furiously along any such road, or shall not keep his carriage on the left or near side of the road, or if any person shall in any manner wilfully prevent any other person from passing them or any carriage under his care upon any such road, every such driver being convicted of any such offence before any Justices of the peace of the said colony, shall forfeit any sum not exceeding five pounds, to be recovered in manner pointed out by the said recited Act; and any such driver offending may be apprehended by any person with or without warrant who shall see such offence committed, and may be conveyed before some Justices of the peace to be dealt with according to law.

Act incorporated with 16 Vict. No. 40.

XVIII. This Act shall be incorporated with and deemed part of the said recited Act.

Appendix No. 7.

TASMANIA.

Anno Decimo-septimo Victoriæ Reginæ.

No. 27.

By his Excellency Sir William Thomas Denison, Knight, Lieutenant-Governor of the island of Van Diemen's Land and its Dependencies, with the advice and consent of the Legislative Council.

An Act* to authorize leases of portions of the beds of navigable rivers, estuaries, or arms of the sea, for the purpose of constructing patent slips or other works adapted to the building or repairing of ships. [29th April 1854.]

Preamble.

Whereas it is expedient to encourage the construction of patent slips and other works for the building and repairing of ships in this colony, and for that purpose to authorize the exclusive use and occupation by persons willing to construct such works of portions of the bed and soil, and the area of water thereon, of navigable rivers, estuaries, or arms of the sea: Be it therefore enacted by his Excellency Sir William Thomas Denison, Knight, Lieutenant-Governor of the island of Van Diemen's Land and its Dependencies, by and with the advice and consent of the Legislative Council of the said island, as follows:

Power for Her Majesty to grant leases of land below high-water mark.

Proviso, preserving rights of owners of adjoining lands.

Proviso for preserving the navigation uninterrupted.

Proviso that such leases shall contain powers of re-entry.

I. It shall be lawful for Her Majesty, Her heirs and successors, to grant to any person having an estate or interest in possession in land bordering on any navigable river, estuary, or arm of the sea, a lease for a term not exceeding ninety-nine years, in possession of any adjoining portion of the bed and soil below high-water mark of such navigable river, estuary, or arm of the sea for the purpose of erecting or constructing thereon patent slips, or other works for the building or repair of ships, together with the exclusive use and occupation of the area of water covering the bed and soil, demised: provided, that no such lease shall be granted or, if granted shall continue in force for a longer period than during the continuance of the term, estate, or interest of the lessee, his executors, administrators, or assigns in such adjoining land: provided also, that no such lease shall be made where the same would injuriously affect or interfere with the navigation of any such navigable river, estuary, or arm of the sea: provided further, that every such lease shall contain a clause in the nature of a condition for re-entry in case of the non-completion of the works for the purpose of the construction of which such lease shall be made within a period to be therein specified, or in case of the breach or non-performance of any or either of the covenants to be contained in such lease on the part of the lessee, his executors, administrators, or assigns.

By whom such leases shall be executed.

II. Every such lease shall and may be made in the name of "The Lessor of Crown "Lands," appointed under and by virtue of "The Crown Demise Act, 1853," and all and singular the provisions contained in the said Act shall upon the execution of any lease under the authority of this Act extend and apply to such lease, and to the parties thereto.

Power to resume possession when the land leased may be required for Colonial defences.

III. In case any portion of the bed of any navigable river, estuary, or arm of the sea comprised in any such lease, shall at any time be deemed by the Lieutenant-Governor to

* This Act was left to its operation.

be necessary for the purpose of the defence of the colony, it shall be lawful for the Lieutenant-Governor, or any person by him authorized, to enter thereupon without any action or proceeding at law, and upon such entry such lease shall become absolutely void.

IV. In referring to this Act in leases and in legal proceedings and otherwise, it shall be sufficient to use the expression "The Patent Slip Act, 1854." Short Title.

RICHARD DRY, Speaker.

Passed the Legislative Council this twenty-eighth day of April one thousand eight hundred and fifty-four.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on the behalf of Her Majesty, I assent to this Act.

W. DENISON,
Lieut.-Governor.

Government House, Hobart Town,
29th April 1854.

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AUSTRALIAN COLONIES.

CONVICT DISCIPLINE AND TRANSPORTATION.

FURTHER CORRESPONDENCE

ON THE SUBJECT OF

CONVICT DISCIPLINE

AND

TRANSPORTATION.

(*In continuation of Papers presented August* 1855.)

Presented to both Houses of Parliament by Command of Her Majesty,
2 *June* 1856.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1856.

2101

SCHEDULE.

TASMANIA.

DESPATCHES FROM GOVERNOR SIR H. E. F. YOUNG.

TASMANIA.

Sir H. E. F. Young.

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NEW SOUTH WALES.

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Sir W. Denison.

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WESTERN AUSTRALIA.

Governor Fitzgerald.

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TASMANIA.

TASMANIA.

Despatches from Governor Sir H. E. F. Young.

No. 1.

No. 1.

COPY of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Sir GEORGE GREY, Bart.

(No. 26.) Government House, Hobart Town, March 13, 1855.

(Received July 2, 1855.)

(Answered, No. 1, July 24, 1855, page 14.)

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch, No. 13*, of the 4th of December last, acquainting me that no further steps will be taken for the transfer of the Pitcairn Islanders until I have reported that, in pursuance of the directions conveyed to Sir William Denison by the Duke of Newcastle, in his Grace's Despatch, No. 48, of the 30th of March last, all the convicts remaining in Norfolk Island have been finally removed.

2. In the Report of the Comptroller-General of convicts for the year ending the 31st of December last, transmitted in Sir William Denison's Despatch of the 6th January, No. 7†, it was stated that on the receipt of the Duke of Newcastle's instructions the arrangements for the removal of the whole convict establishment from the island were at once resumed, and that the transfer could be finally completed before the close of the current financial year.

3. I have now the honour to report that the Government vessel "Lady Franklin" will in the course of a few days proceed on her last trip to Norfolk Island for the purpose of conveying the remaining convicts, amounting to 63, to Port Arthur; and that in the course of a few weeks, therefore, the island will be occupied by the officer and attendants, who will be required to take charge of it until the Pitcairn Islanders may be placed in possession.

4. I think it necessary to point out that it is desirable that the vessel employed in the conveyance of the Pitcairn Islanders should be required to convey to this colony the officers and attendants left in charge, and the then remaining surplus stores, as it may be difficult, as well as attended with considerable expense, to find transport for them in the colony.

I have, &c.

(Signed) H. E. F. YOUNG.

Right Hon. Sir George Grey, Bart.
&c. &c. &c.

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. SIDNEY HERBERT.

(No. 75.) Government House, Hobart Town, June 11, 1855.

(Received October 22, 1855.)

SIR,

ADVERTING to my Despatch, No. 26, dated 13th March, 1855, I have the honour to report that the evacuation of Norfolk Island by the convict department of this island, preparatory to the future occupation of it by the Pitcairn Islanders, who were proposed to be removed there by Her Majesty's Government, is now completed, the convicts, with the exception of five, having arrived at Port Arthur, and Norfolk Island being now in charge of Mr. Stewart,

* Page 84 of Papers on "Convict Discipline," presented by Her Majesty's command, February 1855.

† Page 20 of similar Papers, presented August 1855.

TASMANIA.

a Commissariat storekeeper, who has taken over all the buildings, live stock, and stores with the establishment detailed in the enclosed return.

Mr. Stewart has been informed that the Pitcairn Islanders may be probably expected to be sent there by directions of the Secretary of State in about six months time, and that on their arrival he is to transfer the island and the buildings thereon to them, with the live stock enumerated in the accompanying list, and such an amount of stores and furniture as may seem to be required for their reasonable wants.

I would beg to draw attention to the closing paragraph of my previous Despatch, of the date above quoted, viz., No. 26, of the 13th March, 1855.

I have, &c.
(Signed) H. E. F. YOUNG.

Right Hon. Sidney Herbert,
&c. &c. &c.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

SIR, Norfolk Island, Superintendent's Office, May 4, 1855.

A RETURN of convict establishment remaining on Norfolk Island, under the charge of Mr. Stewart, commissariat storekeeper, to whom the charge of the island will be handed over:—

Mr. W. Waterson, assistant superintendent and wife;
Mr. J. Rodger, overseer of stock, wife and one child.

Constables:—

George Friend, T. L.
William Bright, P. P. H.
George Alexander Shaw, P. P. H.
William Newton, P. P. H.

Prisoners of the Crown:—

950. Williams, John, "Mandarin."
905. Field, William, "Elphinstone."
213. Farrell, Daniel, "Gilbert Henderson."
29. Bell, William, "Maria Somes."
34. Bullock, George, "Tortoise."

The whole of the records, &c. connected with these men, have been left on the island with the officer in charge.

I have, &c.
(Signed) H. WALKER,
Superintendent.

J. S. Hampton, Esq., Comptroller General,
&c. &c. &c.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

MEMORANDUM of Live Stock to be left at Norfolk Island for the use of the Pitcairn Islanders.

Horned Cattle.

Bulls	2	Cows	57
Feeding oxen	43	Heifers	12
Steers	20	Female calves	56
Male calves	48		

Sheep.

Rams	3	Male lambs	168
Do. young	21	Breeding ewes	487
Feeding wethers	75	Maiden ewes	287
Young do.	75	Female lambs	199

31 swine and the aged horses.

(Signed) W. NAIRN,
Deputy Comptroller General.

TASMANIA.

No. 3.

No. 3.

Copy of a DESPATCH from Governor Sir H. E. F. Young, to the Right Hon. Lord John Russell.

(No. 80.)

Government House, Hobart Town, July 10, 1855.
(Received October 22, 1855.)
(Answered, No. 53, December 20, 1855, page 16.)

My Lord,

With reference to Despatch No. 17* of the 24th January 1855, on the subject of the cost incurred by the Government of Victoria in sending back convicts to this island who had absconded from hence, I have the honour to represent that the question submitted by my predecessor in his Despatch No. 2†, of the 12th September, 1854, was whether the charge of conveying the convicts from Victoria to Hobart Town should be borne by the imperial government, or by the colony of Victoria, and that the Lords of the Treasury decided that these expenses are properly chargeable against the sum contributed by Great Britain to Van Diemen's Land for police and gaols; I have now to report that I construe this decision to mean that the expenses in question are to form an addition to the contribution of Great Britain to the colony for police and gaols.

It is quite obvious that this colony has nothing whatever to do with the case of prisoners convicted in Victoria of an offence against a local law of that colony, which is most obnoxious to all the inhabitants of Tasmania, and which is understood to have been disallowed by Her Majesty as repugnant to the royal prerogative.

In the only other remaining point of view in which it is possible to regard the expense of these convicts as not being chargeable to the colony of Victoria, it would result that the convicts who had been convicted of infringing the local law of Victoria, were offenders originally transported for crimes in Great Britain, the expense of whose custody has always very properly been borne by the imperial treasury, and would not be voted by the local legislature.

I have, &c.

The Right Hon. Lord John Russell, &c. &c. &c.

(Signed) H. E. F. YOUNG.

No. 4.

No. 4.

Copy of a DESPATCH from Governor Sir H. E. F. Young to the Right Hon. Lord J. Russell.

(No. 86.)

Government House, Hobart Town, July 20, 1855.
(Received 29th November 1855.)
(Answered, No. 54, Dec. 20, 1855, page 17.)

My Lord,

I have the honour to forward a copy of a petition which has been presented to me as adopted at a public meeting which was held at Richmond on the 9th instant, together with a copy of my reply thereto.

I have no remarks to make on the petition further than those contained in my reply, and to state that no convicts who have been transferred from Norfolk Island have absconded from the stations on Tasman's Peninsula since the 1st January 1855, and that, as will be seen by a return which has been furnished by the Comptroller General, only four convicts have absconded during the last six months from Tasman's Peninsula.

I may add, that every precaution is taken by the Convict Department, by strict surveillance, to prevent the absconding of convicts from the Peninsula.

In connection with this matter, I beg to enclose two Returns which have been prepared by the Comptroller General, from which your Lordship will perceive that, since the 26th June 1854, six Norfolk Island convicts have absconded from Tasman's Peninsula, of whom three have been apprehended and three are still at large, and that since the 1st April, 1852, the date of the

* Page 86 of Papers on "Convict Discipline," presented to Parliament February 1855.
† Page 79 ditto.

TASMANIA.

introduction of the Norfolk Island convicts into this colony, all that have absconded have been retaken with the exception of seven, and of these two are supposed to have perished in attempting their escape.

I have, &c.

The Right Hon. Lord J. Russell, &c. &c. &c. (Signed) H. E. F. YOUNG.

Encl. 1 in No. 4.

Enclosure 1 in No. 4.

Hobart Town, July 9, 1855.

To His Excellency Sir Henry Edward Fox Young, Knight, Governor-in-Chief, and Captain-General of the Island of Van Diemen's Land and its Dependencies.

The humble Petition of the Inhabitants of the District of Richmond, in Public Meeting assembled,

Respectfully sheweth,

1. That your petitioners have witnessed with the deepest horror and alarm the exposure of the atrocious murders lately brought to light by the confession of John Whelan, a condemned criminal, since executed.

2. That your petitioners are informed, and have every reason to believe, that the convicts lately brought from Norfolk Island to this colony, in opposition to the remonstrances of the Legislative Council and the community generally, are with few, if any, exceptions, of a like depraved and irreclaimable character, so much so, that in many instances while in Norfolk Island it was found necessary to chain them to bars of iron and ring-bolts built into the walls of the cells in the gaols of that island, the late commandant deeming it unsafe for the gaolers to approach the said convicts unless so chained.

3. That in addition to the five murders confessed to have been committed within a few weeks by the said John Whelan, and the murders and violence for which four other criminals were executed at the same time, murder, robbery with arms, and crimes of, if possible, a worse nature than murder, have become of frequent occurrence since the arrival of the Norfolk Island convicts.

4. That by effluxion of time the said Norfolk Island convicts are, under the existing convict regulations, becoming daily entitled to a "probation pass," under which they are permitted to hire into private service throughout the colony, of which permission many have already availed themselves.

5. That in remote and isolated localities your petitioners have reason to dread the perpetration of atrocities as horrible as it is possible to conceive, for, in the event of many more convicts of the class alluded to absconding from Port Arthur, or from private service, offences far more appalling and calamitous than the murder of the male protectors of families, may, and in all probability will, take place.

6. That the police in the country districts offer very little, if any, check to convicts absconding from private service, and are totally inefficient in taking and capturing them even though they mark their presence in the several districts by inhuman murders and most barefaced robbery.

7. That even at Port Arthur the power of detaining desperate and determined men has been uncertain, many of the worst felons having at different times escaped, and committed a series of murders and robberies throughout the colony, until, as in most instances, accident has led to their capture.

8. That by adopting the course your petitioners hereunder pray your Excellency to recommend, a very considerable saving will accrue to the imperial expenditure by at once doing away with the necessity for any British Convict Department whatever in this colony, without perceptibly increasing the expenditure in any of Her Majesty's penal settlements, to which the Norfolk Island convicts may be removed.

9. That so long as these associates and fellow-criminals of the convict Whelan continue in this colony, your petitioners cannot but feel that the boasted birthrights of all who live under British dominion, security of life and property, and safety of the domestic hearth, are denied to the people of Van Diemen's Land by the inhuman policy of the Imperial Government.

10. That on the arrival of the ship "Neptune" with convicts in Table Bay, the colonists of the Cape of Good Hope forced from the Imperial Government that concession of security of life and property which your petitioners humbly pray for.

Your petitioners therefore pray that your Excellency will at once recall from private service all Norfolk Island probation pass-holders; and further, your petitioners humbly and respectfully pray your Excellency to convey to Her Majesty's Secretary of State for the Colonies their solemn remonstrance against the inhumanity of exposing the lives of Her Majesty's loyal subjects, and the honour of their wives and daughters, to the mercy of the most depraved, vicious, and irreclaimable of British felons, and that your Excellency will recommend Her Majesty's Secretary of State to authorize the removal of such of the Norfolk Island convicts as may be still undergoing punishment, and shall have three or more years of their last sentence unexpired, to some one of Her Majesty's penal settlements.

And as in duty bound will ever pray, &c.

TASMANIA.

Enclosure 2 in No. 4.

Encl. 2 in No. 4.

GENTLEMEN, Government House, July 11, 1855.

YOUR chairman having requested that I would receive the deputation this day, I have consented to do so; but it must be evident to you that the shortness of the notice has prevented me from making any inquiry into the allegations set forth in this memorial. I am unable, therefore, to do more than notice the prayer of it. In reply to the application that I will recall from private service all Norfolk Island probation passholders, it is my duty to state at once explicitly that it is not in my power to accede to it.

It would be, I conceive, an act of extreme injustice indiscriminately to consign again to punishment, unconvicted of the commission of any further crime, an entire class of men who have already undergone the period of penal servitude assigned for the offences of which they were originally convicted, and who are now entitled, on every principle of equity and good faith, to enjoy unmolested, so long as they conduct themselves with propriety, the comparative liberty granted to them in consideration of the coercion to which they have already been subjected; and in full reliance on the promise of which many of them have passed through the ordeal of their first stage of probation with unexceptionable good behaviour. To retract, therefore, the indulgence granted under these circumstances, could not fail to destroy all confidence in the good faith of the Government, and produce consequences to the community which it is your object to avert.

With respect to your second request, that I will recommend the Secretary of State to authorize the removal of certain Norfolk Island convicts now undergoing punishment at Port Arthur to some other of Her Majesty's penal settlements, I can only say, that in the event of the Secretary of State ascertaining such a transfer to be acceptable to some others of Her Majesty's colonies, and in other respects practicable, it would be an arrangement satisfactory to this colony. I must, however, refer you to a Despatch from the Secretary of State, No. 48, of the 30th March, 1854, printed among the Council papers, and I believe also in the local newspapers, as containing the grounds of decision of Her Majesty's Government on a petition to Her Majesty from the local Legislature against the transfer of Norfolk Island convicts to Port Arthur, and from the tenour of that Despatch I do not expect that your application can be successful. It shall, however, be forwarded at your desire to the Secretary of State.

Measures to ensure the greater efficiency of the police force throughout the colony will be recommended to the consideration of the Legislature at their approaching Session.

(Signed) H. E. F. YOUNG.

Enclosure 3 in No. 4.

Encl. 3 in No. 4.

RETURN of all Men who have absconded from Stations on Tasman's Peninsula since 1st January 1855.

Name.	Ship.	Date of Absconding.	Date of Apprehension.	From what Station.	Remarks.
Michael Carmel -	Hydrabad 3rd -	2nd June, 1854 -	3rd June, 1855 -	Salt Water River -	None of these men have been transferred from Norfolk Island, nor has there been a case of absconding from Port Arthur since 1st Jan. 1855.
James Frith -	Anson - -	20th Feb. 1855 -	Date not given -	Salt Water River -	
James McVeigh	Blenheim 4th -	25th Jan. 1855 -	21st Feb. 1855 -	Salt Water River -	
George Growsett	Lady Montagne	4th Feb. 1855. -	11th Feb. 1855 -	Cascades - -	

(Signed) J. S. HAMPTON,
Comptroller General.

July 11, 1855.

TASMANIA.

Encl. 4 in No. 4.

Enclosure 4 in No. 4.

RETURN of Convicts transferred from Norfolk Island, who have absconded from Tasman's Peninsula since the 26th June, 1854, the date of the receipt of the Duke of Newcastle's Despatch directing the transfer to be continued.

Name.	Ship.	If apprehended since.	If still at large.
Luke Dooly - - -	Lady Franklin -	Yes.	
Thomas Farmer - -	Lady Kennaway -	Yes.	
Septimus Golightly - -	Blenheim - -	—	At large.
William Kitchen - -	P. Bomangee -	Yes.	
William Newton - -	Pyramus - -	—	At large.
Samuel Smith - -	Emily - -	—	At large.

July 10, 1855. (Signed) J. S. HAMPTON.

Encl. 5 in No. 4.

Enclosure 5 in No. 4.

RETURN shewing the number of absconders from the Stations on Tasman's Peninsula since the introduction of the Norfolk Island Convicts, from 1st April, 1852, to 31st December, 1853.

Total number reported as absconders - - - -	114
Of whom were apprehended on Tasman's Peninsula - - -	94
Of whom escaped from the Peninsula but have since been apprehended -	13
Of whom are still at large - - - - - - -	7*

July 6, 1855. (Signed) J. S. HAMPTON,
Comptroller General.

No. 5.

No. 5.

COPY of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Lord J. RUSSELL.

(No. 89.) Government House, Hobart Town, July 21, 1855.
(Received 29th October 1855.)

MY LORD,

I HAVE the honour to enclose the estimates of expenditure of the convict service in this Colony for the year 1856–7.

2. These estimates had been prepared previous to the receipt of the Despatch from your Lordship's Department, No. 24, dated 17th March 1855, and, in consequence of the instructions contained in that Despatch in respect of the increases in aid of salaries, it became necessary to reconstruct them.

3. I have now to report that the amount required to be proposed to Parliament for the service of the Convict Establishment in this Colony for the year 1856–7, will amount to 96,164*l.* 9*s.* 11*d.*, a reduction, as shewn in the comparative statement at the commencement of the estimate, of 36,387*l.* on the sum estimated for the current year 1855–6.

4. I have not considered it necessary to estimate for the increase of 25 per cent to the salaries of the convict officers of every grade beyond the 31st March 1856, as I concur in opinion with the Comptroller General, that while from the present state of affairs there would not be much difficulty in finding a sufficient number of inferior officers without paying them the 25 per cent. increase, it would be extremely difficult to draw a line between them and the superior officers without causing jealousy and confusion, and in some instances the increase in aid is more required for the superior than for the inferior officers; I have therefore decided on discontinuing the 25 per cent. increase after the 31st March 1856.

* Of these seven two are supposed to have perished in attempting their escape.

TASMANIA.

5. Your Lordship will see that this estimate is calculated upon the supposition that 3,500 convicts will be chargeable to the Home Government, a reduction in the number estimated for in 1855–6 of 4,500 convicts, and I may add that every reduction has been made in the items of expenditure consistent with a due regard to the maintenance of proper discipline among the very bad class of convicts now left in the hands of the Government.

I have, &c.
(Signed) H. E. F. YOUNG.

The Right Hon. Lord J. Russell,
&c. &c. &c.

Enclosure 1 in No. 5.

Encl. 1 in No. 5.

ABSTRACT of the Estimated Expenditure of the Convict Service in Van Diemen's Land, for the Year 1856–7.

	Salaries and Money Allowances.			Temporary Increase.			Contingencies.			GRAND TOTAL.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
I. Comptroller-General's Department -	3,003	5	0	883	12	6	-	-	-	3,886	17	6
II. Probation, Punishment, and Invalid Stations	1,386	0	0	769	5	0	-	-	-	2,155	5	0
III. Male Prisoners' Establishments - -	1,891	7	6	1,018	10	0	-	-	-	2,909	17	6
IV. Port Arthur - -	5,423	2	6	2,847	15	0	-	-	-	8,270	17	6
V. Female Factories and Infant Asylum -	1,448	18	9	864	12	6	-	-	-	2,313	11	3
VI. Queen's Orphan Schools	2,081	3	0	995	7	6		80	0	3,156	10	6
VII. Visiting Magistrates -	615	0	0	165	0	0	-	-	-	780	0	0
VIII. Medical Department -	5,899	10	2	2,084	12	6	-	-	-	7,984	2	8
IX. Marine Department -	1,556	0	0	180	0	0	-	-	-	1,736	0	0
X. Establishment for Religious Instruction -	2,864	13	6	900	0	0	-	-	-	3,764	13	6
XI. Retired Allowances -	916	13	6	-	-	-	-	-	-	916	13	6
XII. Ordnance and Engineer Services - -	518	18	6	157	16	0		798	15	0	1,475	9	6
XIII. Miscellaneous -	507	15	1	-	-	-	15,029	5	0	15,537	0	1
XIV. Rations of Provisions -	-	-	-	-	-	-	36,325	7	10	36,325	7	10
XV. Fuel and Light -	-	-	-	-	-	-	9,952	3	7	9,952	3	7
£	28,112	7	6	10,886	11	0	62,185	11	5	101,164	9	11
Deduct probable Receipts of Farm Produce - -	-	-	-	-	-	-	5,000	0	0	5,000	0	0
TOTALS - £	28,112	7	6	10,886	11	0	57,185	11	5	96,164	9	11

No. 6.

No. 6.

COPY of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Lord JOHN RUSSELL.

(No. 103.) Government House, Hobart Town, July 31, 1855.
(Received October 29, 1855.)
(Answered, No. 38, November 14, 1855, p. 16.)

MY LORD,

WITH reference to my Despatch, No. 86*, of the 20th July, 1855, enclosing a petition and reply from the district of Richmond on the insecurity to life and property from the system of allowing Norfolk Island Convicts to receive passes to enter private service, I have the honour of enclosing petitions which I have since received from the districts of Brighton, Hamilton, Bothwell, and Oatlands, together with copy of my reply.

* Page 3.

I have, &c.
(Signed) H. E. F. YOUNG.

The Right Hon. Lord John Russell,
&c. &c. &c.

TASMANIA.

Encl. 1 in No. 6.

Enclosure 1 in No. 6.

To his Excellency Sir Henry Edward Fox Young, Knight, Captain General and Governor in Chief of the Island of Van Diemen's Land and its dependencies.

The humble Petition of the Inhabitants of the District of Brighton, in Public Meeting assembled,

Sheweth,

That the late murders and other crimes committed in various parts of this colony have caused a general feeling of insecurity of life and property, to the serious detriment of your petitioners' peace and welfare.

Your petitioners, therefore, humbly pray your Excellency to recal from private service all passholders, and to increase, as far as practicable, the police force throughout the colony.

Signed on behalf of the Meeting,
(Signed) John Burrows,
Chairman.

Pontville, July 19, 1855.

Encl. 2 in No. 6.

Enclosure 2 in No. 6.

To his Excellency Sir Henry Edward Fox Young, Knight, Governor in Chief and Captain General of the Island of Van Diemen's Land and its dependencies.

The humble Petition of the undersigned Inhabitants of the District of Oatlands, in Public Meeting assembled,

Respectfully sheweth,

That many murders and other terrible outrages have recently been perpetrated in various districts by Norfolk Island convicts, a considerable number of whom are now dispersed throughout the colony as pass-holders and absconders.

That the general character of the Norfolk Islanders is so horrible that your petitioners have no feeling of security either for their lives or properties while such men are at large.

That some hundreds of Norfolk Islanders are now at Port Arthur, from which place they will, under the ordinary convict regulations, be removed to the settled districts in course of time as passholders.

That many of these men are of the worst class, having been transported from Sydney to Norfolk Island, and having been previously confined at Cockatoo Island.

That the enlargement of such miscreants would speedily add to the long list of enormities so terribly impressed upon the minds of the colonists. And your petitioners submit that, on every principle of justice, these irreclaimable men should be returned to the colony from which they were transported to Norfolk Island, and not to be set at large here.

That in former times the most desperate gangs of bushrangers were apprehended by roving parties of convicts, who, whether constables or not, were incited to active efforts by the certainty of obtaining some kind of indulgence, and small parties of soldiers similarly employed were found to be of the utmost service.

That your petitioners are firmly convinced that a recurrence to the old system of roving parties of convicts and soldiers would be highly beneficial, if it were proclaimed that, even in the absence of any specific Gazette notice, emancipation and pecuniary reward would fall to the lot of all concerned in apprehending or shooting a bushranger.

Your petitioners, therefore, pray that your Excellency will be pleased to direct that no more passes may be granted at present to Norfolk Island convicts now at Port Arthur; that such of them as were sent to Norfolk Island from New South Wales may be returned to that colony; that the military force now in this island may be distributed into detachments; and that they and the better conducted of the unindulged prisoners may be employed as your petitioners have suggested, to aid the police in the more effectual repression of crime and the capture of bushrangers.

And your petitioners will ever pray, &c.

Encl. 3 in No. 6.

Enclosure 3 in No. 6.

To his Excellency Sir Henry Edward Fox Young, Knight, Governor-in-Chief, Captain-General of the Island of Van Diemen's Land and its Dependencies.

The humble Petition of the undersigned Inhabitants of Bothwell, in Public Meeting assembled,

Respectfully sheweth,

That your petitioners contemplate with extreme apprehension and alarm the present state of the country, the insecurity of life and property which the recent atrocious murders and multiplied assaults and robberies have so painfully forced upon their notice.

That your petitioners have the firmest conviction that those dreadful evils have mainly, if not entirely, arisen from the dispersion throughout the colony, as pass-holders, or under

other designations, of so many desperate characters lately introduced from Norfolk Island, wretches, generally speaking, trained and habituated to every crime and infamy, and affording little hope of any such reformation as under any discipline to render them safe members of society.

That your petitioners are aware that there is now at Port Arthur a large body of this most dangerous class of persons, and that under the ordinary convict regulations they will soon be removed thence to the various districts of the colony as pass-holders.

That your petitioners believe that, in the event of such removal, the existing disorders in the interior districts must be greatly increased, there being nothing to prevent these men, if so inclined, from absconding, and betaking themselves to their accustomed courses of crime and violence; while owing to the nature of the country, even with a police better organized, more zealous and intelligent than that of the colony can be affirmed or ever expected to be, the chances of recapture of such absconders (as repeated experience has shewn) till after the infliction, long continued, of the most horrible outrages and injuries upon the persons and properties of the peaceable and well-disposed inhabitants are, at best, extremely uncertain.

Your petitioners therefore pray that your Excellency will be pleased to direct that no more passes be granted to Norfolk Island convicts at Port Arthur; that such of them as were sent from New South Wales to Norfolk Island may be returned to that colony, and the remainder transferred to some other settlement where more efficient means may exist for coercing their evil propensities, and where their opportunities for mischief may be less.

And your petitioners will ever pray, &c.

(Signed) F. E. Teush,
Chairman.

Fredk. Synnot.	C. H. H. Parsons.
Jno. Robertson.	A. M. Dowall.
W. M. Hesketh.	Thos. Axford.
Geo. Nicholas.	Thos. Howells.
C. O. Parsons.	E. Nicholas.
J. H. Cox.	A. Reid.
Fredk. Patterson.	A. Reid, jun.

Enclosure 4 in No. 6.

Encl. 4 in No. 6.

To his Excellency Sir Henry Edward Fox Young, Knight, Governor-in-Chief and Captain-General of the Island of Van Diemen's Land and its Dependencies, &c. &c.

The humble Petition of the Inhabitants of Hamilton, in Public Meeting assembled,

Respectfully sheweth,

That your petitioners, in common with their fellow colonists generally, regard with apprehension and alarm the insecurity of life and property at present existing in the country, as evidenced by the numerous deeds of violence, robbery, and murder that have recently been perpetrated.

That your petitioners cannot doubt that these outrages have for the most part been committed by prisoners who have been introduced into this colony from Norfolk Island, and permitted to enter into private service, to the great injury of the community.

That your petitioners would draw your Excellency's earnest attention to the well-ascertained fact that those abominable crimes which in ancient times brought down the direct vengeance of Almighty God prevailed to a fearful extent amongst the prisoners at Norfolk Island, and that the presence of persons so degraded is most dangerous to the morals of society at large.

That the lengthened period during which some of these desperate characters have been enabled to pursue their career of crime undetected, indicates a want of vigour and efficiency in the constabulary of the colony.

Your petitioners therefore pray that your Excellency will be pleased to direct that passes be no longer issued either to the Norfolk Island prisoners now under confinement at Port Arthur, or to such as may hereafter be sent there for punishment; and that should any of them become eligible for tickets-of-leave, they may be transferred to a penal colony, where they may be subjected to stricter supervision than prevails here.

Your petitioners further pray, that your Excellency will be pleased to take measures for introducing into the colony a body of practised policemen from the mother country, seeing that they have no confidence in the vigilance, efficiency, or trustworthiness of the constabulary generally as at present constituted.

And your petitioners will ever pray, &c., &c., &c.

(Signed) J. B. Sharland,
Chairman.

(Signed on behalf of the Meeting.)

TASMANIA.

Encl. 5 in No. 6.

Enclosure 5 in No. 6.

Copy of his Excellency Sir H. E. F. Young's reply.

Gentlemen, Government House, Hobart Town, July 30, 1855.

The petitions which I have received from the districts of Oatlands, Bothwell, Brighton, and Hamilton, since the date of my published answer to the district of Richmond, contain similar topics and suggestions; and I request that my present statement may be accepted as of general application.

In reply, then, to the recommendation from the district of Oatlands that recurrence be had to the old system of roving parties of soldiers to aid the police in the more effectual repression of crime, I have to observe that due regard to the efficiency of the military prohibits the dispersion of soldiers on such a service, especially in a time of foreign war; nor would it be possible for me to sanction roving parties of convicts, whether constables or not, in the absence of any specific Gazette notice, apprehending or shooting persons who might be regarded by them as bushrangers.

The Norfolk Island convicts at Port Arthur can leave it only on compliance, during a protracted period of time, with certain prescribed conditions of penal discipline and good behaviour, on the fulfilment of which the public faith is pledged to realize their authorized hope.

I am not aware, as already stated in my reply to the district of Richmond, of any other colonial settlement willing to receive the transfer of these convicts. The efficiency of the means adopted at Port Arthur to secure their safe custody is evidenced by the fact that no escape of a Norfolk Island convict has taken place from thence since January, 1855, and the escapes from the Peninsula were more numerous before the arrival of the Norfolk Islanders than they have been since their transfer to Port Arthur.

With the exception of Driscol and his companion, I am not aware that there are any convicts at large whose misconduct affords grounds for the feelings of general insecurity and alarm which have been expressed in the petitions addressed to me.

Measures are in operation from which I have reason to reckon on the probable early capture of these rash and guilty men. Of these men it is believed that the one had at first no other object in leaving his employer's service than to quit the island, and the other took the bush in apprehension of the published, but unfounded rumour, that he, in common with others, was to be remanded back from private service to Port Arthur.

The murders to which the petitions refer as having of late occurred were chargeable on one guilty head, and have been followed by forfeiture of life, according to law, on the scaffold.

The many men of the worst class transported from Sydney to Norfolk Island, and previously confined at Cockatoo Island, who are described in the petitions as causing insecurity to life and property while such men are at large, are not at large in this island; they were 119 in number, and the last was despatched back to Sydney on the recent voyage of the Tasmania steamer.

(Signed) H. E. F. Young,
Governor.

No. 7.

No. 7.

Copy of a DESPATCH from Governor Sir H. E. F. Young, to the Right Hon. Lord John Russell.

(No. 129.) Government House, Hobart Town, August 30, 1855.
(Received November 29, 1855.)
(Answered, No. 56, December 20, 1856, p. 17.)

My Lord,

I have the honour to submit that all buildings not required by the Convict Department or for the use of Her Majesty's troops shonld at once be delivered over to the Colonial Government for the public service of this island.

The land on which they stand is Crown land, to be used by the local Government for the peneral benefit of the inhabitants of this island, and most of the convict buildings in question, in the rown of Laucenston, have lorge portions of land attached to them.

I have, &c.
(Signed) H. E. F. YOUNG.

The Right Hon. Lord John Russell,
&c. &c. &c.

TASMANIA.

No. 8.

No. 8.

COPY of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Sir W. MOLESWORTH, Bart.

(No. 175.)

Government House, Hobart Town, December 4, 1855.

(Received March 28, 1856.)

SIR,

WITH reference to my Despatches* Nos. 86 and 103 of the 20th and 31st July last, forwarding memorials from the districts of Richmond, Brighton, Hamilton, and Oatlands, on the feeling of alarm and insecurity to persons and properties from the alleged bushrangers who were supposed to be numerous in the rural districts, I have the satisfaction to state that the chief police magistrate has this day reported to me that he is not aware of any bushrangers or marauder under arms being at present at large in the colony.

* Pages 3 and 7.

I have, &c.

(Signed) H. E. F. YOUNG.

Right Hon. Sir W. Molesworth, &c. &c. &c.

No. 9.

No. 9.

EXTRACT of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Sir W. MOLESWORTH, Bart. (No. 177.), dated "Government House, Hobart Town, December 5, 1855."

"I HAVE the honour of transmitting the Acts of the Legislative Council in the first Session of 1855, the prorogation of which was reported in my Despatch No. 136 of the 26th September last.

"These Acts are numbered from 1 to 16 inclusively, and their titles are set forth in the annexed schedule."

Enclosure 1 in No. 9.

Encl. 1 in No. 9.

EXTRACTS of Attorney General's Report, dated 4th December 1855.

"No. 1.* The principal object of this Act was to enable the Governor to transfer the control of the Houses of Correction at Hobart Town and Launceston from the Comptroller General of Convicts to the Sheriff. Under the Prisons Regulation Act, 8 Vict., No. 16, such control is vested in the Comptroller General, and it required a legislative enactment to authorize the transfer."

"No. 3.† This Act is founded on the provisions of the Act of Parliament, 16 & 17 Vict., cap. 29. It differs principally in not adopting the system of tickets of leave, which are only authorized in the case of prisoners under sentence of penal servitude for life, and then only after a servitude of ten years."

"No. 6.‡ This Act was rendered necessary by the anomalous state of the law in reference to offenders under sentence of imprisonment, while offenders under sentence of transportation were liable to specific punishments for specific offences, offenders under sentence of imprisonment for similar crimes could not in many instances be so dealt with. The present Act assimilates the mode of discipline, control, and punishment of the two classes of offenders. It also enables the Governor to apply the labour of prisoners sentenced to hard labour to useful purposes."

"No. 15.§ Is an adaptation of the Act of Parliament, 14 & 15 Vict., cap. 19."

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* No. 1.—8th August 1855, "An Act to enable the Governor to establish houses of correction under the control of the Sheriff." This Act will be found inserted at page 233 of Appendix to this paper.

† No. 3.—9th August 1855, "An Act to substitute other punishment in lieu of transportation." This Act will be found printed at page 234 of Appendix to this paper.

‡ No. 6.—28th August 1855, "An Act to make provision for the better control and disposal of offenders under sentence of imprisonment." This Act will be found at page 235 of Appendix to this paper.

§ No. 15.—11th September 1855, "An Act for the better prevention and punishment of certain offences," will be found at page 239 of Appendix to this paper.

TASMANIA.

No. 10.

No. 10.

EXTRACT of a DESPATCH from Governor Sir H. E. F. YOUNG to the Right Hon. Sir W. MOLESWORTH, Bart. Government House, Hobart Town, December 14, 1855. (No. 182.)

(Received 25 March, 1856.)

"I HAVE the honour to enclose copies of a letter from the Comptroller General, dated the 6th instant, with copy memorandum of the Deputy Commissary General, and I beg to report my opinion to be in favour of the plan of transfer therein set forth.

"2. In the event of the approval of Her Majesty'sGovernment being given to the plan, it will be necessary to submit it to the Colonial Parliament for their concurrence; because, however improbable, it is still possible, that notwithstanding the reiterated applications of the present Council, the assumption by the colony of the charge of British convicts, may not meet with the sanction of the Colonial Parliament."

Enclosure 1 in No. 10.

Government House, Sydney, New South Wales,
December 6, 1855.

Encl. 1 in No. 10.

SIR,

I RECENTLY had the honour verbally to state to your Excellency that the unlawful proceedings of a tyrannical majority of the Legislative Council of Tasmania, and the consequences of those proceedings, had, in my opinion, shown most clearly that the existence of an Imperial convict department within that colony must continue to be such a constant source of embarrassment and annoyance to the Government as to render it expedient, in every point of view, to comply with the reiterated requests of the Legislative Council by transferring the whole management of the department to the Colonial authorities; the more especially that the introduction of responsible government may be expected to aggravate the difficulties lately experienced by the Executive in this matter.

In submitting this opinion to your Excellency, I also stated my intention to bring forward a scheme for carrying out the proposed change. I therefore, accordingly, now have the honour to forward the following outline of that scheme; and if I am granted the eighteen months leave of absence applied for in my letter dated this day, the personal explanation which I could give in England as to the details might greatly facilitate the introduction of a change so urgently required.

The control and management of the convict department to be transferred from she Secretary of State to the local Government of Tasmania.

The whole cost of the convict department to be defrayed rateably from Imperial and Colonial funds in proportion to the number of criminals chargeable against each of these funds, and actually maintained by the Government, criminals earning their own livelihood to be excluded from all such calculations.

The cost of that part of the military establishment which is retained in Tasmania for convict purposes to be defrayed from Imperial and Colonial funds, in accordance with the above-mentioned proportion of Colonial and Imperial criminals.

All the stores sent to the colony for convict purposes, and in the charge of the Ordnance Storekeeper, or at the different stations and establishments, to be transferred to the Colonial Government; and instead of any direct money payment being required for them, the value thereof allowed from time to time in liquidation of the claims which may arise against the Imperial Government for the rateable British proportion of the cost of the convict department, the estimated value of the stores to be fixed at the time of the transfer of the department by a board appointed for that purpose. Those in the hands of the Ordnance Storekeeper to be charged for in accordance with the existing regulations of his department.

All live stock to be taken over in the same manner as the stores at the establishment.

As it is probable that the Colonial Government might not wish all the officers of the convict department to be transferred to the Colonial service, and that some of those officers would not desire to enter the Colonial service, such a transfer to be optional on both sides; and accordingly officers not required by the colony, or who may not wish to leave the British for the Colonial service, to be reduced when the transfer of the department takes place, and granted from Imperial funds, the amount of compensation or pension to which they may then be entitled for their past services. The claims against the Imperial Government of all who are transferred to be in abeyance while they remain in the Colonial service,

and when they are finally reduced, the amount of their compensation or pension to be defrayed by the Imperial and Colonial Government in proportion to their length of service in each.

Under the proposed arrangement, the colony would secure the benefit of the whole of the labour of the convicts, acquire valuable penal establishments in perfect order, and the Legislative Council attain the unquestionable right to inquire "into the state of the convict department."

In conclusion, I have to suggest that the plan now proposed should be referred for any remarks which the Deputy Commissary General may have to make on the subject.

I have, &c.

His Excellency Sir Henry E. F. Young, &c. &c. &c.

(Signed) J. S. Hampton.

Enclosure 2 in No. 10.

Encl. 2 in No. 10.

Memorandum.

I have, on more than one occasion during the past year, had the honour of expressing to the home authorities my opinion how very desirable it was that the control and management of the convict department should be transferred from the Imperial to the Colonial Government.

Recent events have added most strongly to this opinion.

The political position in which Tasmania is about to be placed under the new constitution will render it, if not impossible, at least very inexpedient, that the convicts, of whom a large number now are colonially convicted, should remain under a department which is not responsible to the legislature of the colony.

An Imperial department could not be rendered thus responsible without materially affecting the efficiency of the service.

The plan now submitted by the Comptroller General appears to me to be comprehensive, though still so simple in its provisions as to be easily worked out. Its general bearing has a liberal tendency towards the interests of the colony, without any great sacrifice of the claims of the Home Government.

The most important consideration is, can it be viewed as a matter of certainty that the financial position of the colony will be such as to warrant the assumption of so important a charge? According to the plan now proposed a very considerable outlay of money would have to be made by the colony before any claim could be made upon the Imperial chest.

If the plan is adopted it will cause an important reduction in all the departments now employed.

A clear understanding should be arrived at as to the extent of the military protection the colony would consent to be "assessed" upon.

It is suggested in this plan that *all* the stores in charge of the Ordnance Storekeeper for convict services, and at the station, should be transferred to the colony at a rate to be determined at the time of the transfer, the value thereof allowed from time to time in liquidation of the claims which may arise against the Imperial Government; the ann al proportion to be thus deducted should be determined with care, as the valuation of the stores will doubtless form a heavy item.

I do not observe that any provision is made in the accompanying plan relative to the buildings, which will have to be transferred to the colony on the transfer of the establishment; probably this has been a special arrangement.

(Signed) W. Bishop,
Deputy Comptroller General.

TASMANIA.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. Sir WILLIAM MOLESWORTH, Bart to Governor Sir H. E. F. YOUNG.

(No. 1.)

SIR, Downing Street, July 24, 1855.

* Page 1. I HAVE received your Despatch, No. 26*, of the 13th March, notifying the final measures which had been taken for the removal of the convicts to Van Diemen's Land from Norfolk Island, which you state to be now ready for the reception of the Pitcairn Islanders, and in reply I need only refer you to my predecessor's Despatch of the 15th April*, which will have informed you of the various arrangements to be made for the conveyance of those people to Norfolk Island.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c. (Signed) W. MOLESWORTH.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. Sir WILLIAM MOLESWORTH, Bart to Governor Sir H. E. F. YOUNG.

(No. 11.)

SIR, Downing Street, August 22, 1855.

WITH reference to your predecessor's Despatch, No. 160†, of the 8th September last, reporting the arrangements which he would recommend for carrying into effect the transfer of the various buildings no longer required by the convict department to the local Government, I transmit to you herewith, for your information, copies of a correspondence which has passed upon the subject between this office and the board of Treasury, and I have to acquaint you that the arrangements proposed by Sir W. Denison appear in themselves fit and expedient, but that before any final measures are taken by you for carrying them into effect, it will be necessary that you should ascertain from the Officers of the Ordnance on the spot that none of the buildings are required for military purposes.

Colonial Office to Treasury, 10th Jan. 1855.
Treasury, 10th Feb. 1855.
Colonial Office in reply, 25th June 1855.
Treasury, 31st July 1855.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c. (Signed) W. MOLESWORTH.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

SIR, Downing Street, January 10, 1855.

I AM directed by Secretary Sir George Grey to transmit to you, for the consideration of the Lords Commissioners of the Treasury, the enclosed copy of a Despatch from the Governor of Van Diemen's Land, reporting the arrangements which he would recommend for carrying into effect the transfer of the various buildings no longer required by the Convict Department to the Colonial Government, and I am to state that Sir George Grey does not perceive any objection to the proposed measures.

No. 160, Sept. 8, 1854.

I have, &c.

Sir C. E. Trevelyan, &c. &c. (Signed) H. MERIVALE.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

SIR, Treasury Chambers, February 10, 1855.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to transmit copy of a letter from the War Department of 31st ultimo, for the information of

* Page 60 of Papers on "Convict Discipline," August 1855.
† Page 78 of similar Papers, February 1855.

the Secretary of State, with reference to your letter of 10th ultimo, respecting the transfer to the Colonial Government in Van Diemen's Land of various buildings no longer required by the Convict Department, and I am to state that my Lords have transmitted the papers to the Board of Ordnance with a request to receive their opinion thereon with the least possible delay.

I am, &c.

H. Merivale, Esq. (Signed) C. E. Trevelyan.
&c. &c.

Sir, War Department, January 31, 1855.

I am directed by the Secretary of State for this Department to request that you will state to the Lords Commissioners of Her Majesty's Treasury in answer to your letter of the 26th instant, respecting the disposal of convict buildings for Van Diemen's Land, that, taking into consideration the want of public buildings at the disposal of the Ordnance Department at that station for the staff and departmental officers, and others whereby lodging allowances are necessarily required to be issued to them, it appears to be desirable that their Lordships should inform the Secretary of State for the Colonies, that before the convict buildings are transferred to the Colonial Government, the Ordnance officers at that station should have the opportunity of examining these buildings for the purpose of ascertaining whether any of them could be adapted as quarters for staff and departmental officers and others, now in the receipt of lodging money, in which case such buildings should be transferred to the charge of the Ordnance Department for that purpose.

If their Lordships should concur in this suggestion, it will be proper that the Board of Ordnance should be informed thereof, in order that the necessary instructions may be given to their officers accordingly.

I am, &c.

The Assistant Secretary of the Treasury. (Signed) Henry Roberts.

Enclosure 3 in No. 2. Encl. 3 in No. 2.

Sir, Downing Street, June 25, 1855.

With reference to your letter of the 10th of February last, on the subject of the transfer to the colony of Van Diemen's Land of certain buildings previously belonging to the convict department, I am directed by Lord John Russell to request that you will acquaint me if the expected intimation from the Ordnance has yet been received on the question, whether such buildings are needed for the military department. Should the question not admit of being answered in this country, Lord John Russell would propose to inform the Governor that the arrangements suggested by Sir W. Denison appear in themselves fit and expedient, but that before they are carried into effect it must be ascertained from the officer of Ordnance on the spot, that none of the buildings are required for military purposes.

I have, &c.

Sir C. E. Trevelyan, (Signed) H. Merivale.
&c. &c. &c.

Enclosure 4 in No. 2. Encl. 4 in No. 2.

Sir, Treasury Chambers, July 31, 1855.

With reference to your letter of the 25th ult., relative to the transfer to the colony of Van Diemen's Land of certain buildings previously belonging to the convict establishment, I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for the information of the Secretary of State, the copy of a letter from the Board of Ordnance, dated the 10th instant.

I am further to state to you that their Lordships approve of the proposed instructions to the Governor of Van Diemen's Land, as stated in your letter, in reference to these buildings.

I have, &c.

H. Merivale, Esq., (Signed) C. E. Trevelyan.
&c. &c. &c.

Sir, Office of Ordnance, July 10, 1855.

With reference to your letter of the 5th instant, and its enclosures respecting the transfer to the colony of Van Diemen's Land of certain buildings previously belonging to the convict establishment.

I am directed by Mr. Monsell to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that the correspondence which accompanied

TASMANIA.

your letter of the 12th February was referred to the commanding Royal Engineer Van Diemen's Land, for an early report, but has not yet been answered. I am to add, that as soon as received no delay will take place in communicating the result.

I have, &c.

Sir Charles Trevelyan. (Signed) J. Wood.
&c. &c.

No. 3.

No. 3.

Copy of a DESPATCH from the Right Hon. Sir William Molesworth, Bart. to Governor Sir H. E. F. Young.

(No. 16.)

Sir, Downing Street, September 9, 1855.

With reference to your predecessor's Despatches, Nos. 50* and 69*, of the 17th of November and 11th of December, 1854, enclosing with his remarks copies of a correspondence which had passed between the Governor of Victoria and himself on the subject of the Bills introduced into the Legislative Council of that colony, having for their object to prevent the influx into Victoria of criminals from the neighbouring colonies, I transmit herewith for your information the copy of a Despatch, dated the 4th of June last, which was addressed by Lord John Russell to Sir C. Hotham, in reply to one received from that officer, enclosing the Local Act, No. 3 of 1854, which was passed for the above purpose, and to which he had assented in Her Majesty's name.

No. 19, 4th June 1855.

I also annex for your information, with reference to the general question of Convict Discipline, the accompanying collection of correspondence on that subject which have just been printed and laid before Parliament, and which (at page 82) will be found to contain Lord John Russell's Despatch of the 4th of June above referred to.

Parliamentary Paper, Aug. 1855.

I have, &c.

Governor Sir H. E. F. Young, (Signed) W. MOLESWORTH.
&c. &c. &c.

No. 4.

No. 4.

Copy of a DESPATCH from the Right Hon. Sir George Grey, Bart. to Governor Sir H. E. F. Young.

(No. 38.)

Sir, Downing Street, November 14, 1855.

I have received your Despatch, No. 103*, of the 31st of July last, enclosing copies of petitions to you from the district of Brighton, and from several other districts of the colony, on the subject of Norfolk Island convicts, together with a copy of your reply.

* Page 7.

I have to convey to you my entire approval of the terms of your answer.

I have, &c.

Governor Sir H. E. F. Young, (Signed) G. GREY.
&c. &c. &c.

No. 5.

No. 5.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Sir H. E. F. Young.

(No. 53.)

Sir, Downing Street, December 20, 1855.

With reference to your Despatch, No. 80*, of the 10th of July last, relative to the expenses incurred in sending back convicts who had escaped from the colony, I have to acquaint you that by a communication received from the Lords Commissioners of the Treasury, it appears that, adverting to the reductions already made, and still in progress, in the amount paid by the Imperial Treasury on account of police and gaols in Tasmania, their Lordships will not

* Page 3.

* Pages 5 and 14 of Papers relative to "Convict Discipline," presented to Parliament August 1855.

insist upon making this expense a charge upon that fund, but will leave the same to be defrayed generally out of the annual grant for the convict service in the colony under your government.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c.

(Signed) H. LABOUCHERE.

No. 6.

No. 6.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir H. E. F. YOUNG.

(No. 54.)

SIR, Downing Street, December 20, 1855.

I HAVE received your Despatch, No. 86*, of the 20th of July last, accompanied by a copy of a petition addressed to you by a public meeting held at Richmond, respecting the Norfolk Island convicts who had been introduced into Tasmania, together with a copy of your reply.

* Page 3.

It is satisfactory to observe from the facts supplied by your present Despatch, and by your other Despatch, No. 103*, of the 31st of July, which was received by an earlier opportunity, that the apprehensions which had gained ground in the colony on the subject of these convicts were happily inconsistent with the facts of the case. I entirely approve of the answer which you returned to the petitioners. I cannot hold out to you any expectation that Her Majesty's Government can transfer these convicts, as desired by the petitioners, to some other colony.

* Page 7.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c.

(Signed) H. LABOUCHERE.

No. 7.

No. 7.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir H. E. F. YOUNG.

(No. 56.)

SIR, Downing Street, December 20, 1855.

I HAVE received your Despatch, No. 129*, of the 30th of August last, recommending that all buildings not required by the convict department, or for the use of Her Majesty's troops, should at once be delivered over to the colonial Government for the public service of the island.

* Page 10.

On this subject I have to refer you to the instructions addressed to you from this department in No. 11*, of the 22nd of August last. In conformity with those instructions you will be at liberty to transfer, as proposed, to the colonial Government all buildings no longer required for the convict department, subject only to your ascertaining from the resident officers of Ordnance that they are not wanted for military purposes.

* Page 14.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c.

(Signed) H. LABOUCHERE.

No. 8.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir H. E. F. YOUNG.

(No. 11.)

SIR, Downing Street, January 21, 1856.

I TRANSMIT to you for your information copy of a Despatch which I have addressed to Sir William Denison on the subject of the removal of the Pitcairn's Islanders to Norfolk Island, and have to direct you to guide yourself by the instructions contained in the last paragraph.

No. 10, January 21, 1856, see page 34.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c.

(Signed) H. LABOUCHERE.

TASMANIA.

No. 9.

No. 9.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir H. E. F. YOUNG.

(No. 42.)

SIR, Downing Street, March 28, 1856.

As it has been settled that the general Reports on the Convict Department should only be made annually, and as they are then liable to be delayed beyond the completion of each successive year, it will be desirable to have somewhat more frequent and speedy statements of the number of convicts present in the colony. I have to request therefore that you will forward to me as punctually as practicable, at the expiration of every half year, a return of the numbers of prisoners and ticket-of-leave men, in the same form in which it has been usual to supply this information in the body of the comptroller's half-yearly Report.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c.

(Signed) H. LABOUCHERE.

No. 10.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir H. E. F. YOUNG.

(No. 56.)

SIR, Downing Street, May 4, 1856.

I HAVE had under my consideration your Despatch,* No. 182, of the 14th of December 1855, upon the question of transferring the Imperial Convict Establishment in Tasmania to the colonial authorities.

* Page 12.

A similar measure, as you are doubtless aware, has already been carried out in New South Wales. The principle of the arrangement adopted in that colony has been very simple, viz., that the management of the convict department should be vested in the Colonial Government; and that the cost of the discipline and maintenance of the whole body of prisoners should be paid in the first instance out of the colonial revenue, dividing the amount afterwards between the Imperial and Local Governments in exact proportion to the number of imperial and colonial prisoners maintained. The number of convicts in Tasmania has become so much smaller than it was, and the rate of the progressive reduction is so rapid, that the time has come when Her Majesty's Government consider that they may with propriety offer to the Colonial Legislature the adoption of a similar course.

The enclosed memorandum contains the heads of the arrangement which I have to authorize you accordingly to propose to the Colonial Legislature. You will at the same time inform the Legislature that for the present Great Britain will continue to defray the charge of the whole of the troops in the colony, but that at a future period, when the number of convicts shall be further diminished, the military force will be greatly reduced, unless the colony should wish it to be continued, and be prepared to pay a part of the charge. In order also to prevent the possibility of misconception, you will announce in express terms, although the statement can hardly be necessary, that the proposal is simply to transfer the control and management of the convict department to the colony, and that the Royal Prerogative of granting or withholding pardons must of course continue to rest exclusively with the Crown, either directly or through the Governor of the colony acting for the Crown, under the provisions of the existing law.

I have, &c.

Governor Sir H. E. F. Young, &c. &c. &c.

(Signed) H. LABOUCHERE.

Enclosure in No. 10.

HEADS of the proposed Arrangement for the Transfer of the Convict Department in Tasmania to the Colonial Government.

1. The control and management of the convict department to be transferred from the Secretary of State to the local Government of Tasmania.

2. The whole cost of the convict department to be defrayed rateably from imperial and colonial funds, in proportion to the number of convicts chargeable against each of these funds, and actually maintained by the Government, convicts earning their own livelihood to be excluded from all such calculations.

3. All the stores sent to the colony for convict purposes, and in the charge of the Ordnance storekeeper, or at the different stations and establishments, to be transferred to the Colonial Government, and, instead of any direct money payment being required for them, the value thereof to be allowed from time to time in liquidation of the claims which may arise against the Imperial Government for the rateable British proportion of the cost of the convict department.

The estimated value of the stores at the stations to be fixed at the time of the transfer of the department by a board appointed for that purpose. Those in the hands of the Ordnance storekeeper to be charged for in accordance with the existing regulations of his department.

4. All live stock to be taken over in the same manner as the stores at the establishment.

5. As it is possible that the Colonial Government might not wish all the officers of the convict department to be transferred to the colonial service, and that some of those officers would not desire to enter the colonial service, such a transfer to be optional on both sides, and accordingly officers not required by the colony, or who may not wish to leave the British for the colonial service, to be reduced when the transfer of the department takes place, and granted from imperial funds the amount of compensation or pension to which they may then be entitled for their past services. The claims against the Imperial Government of all who are transferred to be in abeyance while they remain in the colonial service, and when they are finally reduced the amount of their compensation or pension to be defrayed by the Imperial and Colonial Governments, in proportion to their length of service in each.

NEW SOUTH WALES.

NEW SOUTH WALES.

Despatches from Governor General Sir W. Denison.

No. 1.

No. 1.

COPY of a DESPATCH from Governor General Sir W. DENISON to the Right Hon. Lord JOHN RUSSELL.

(No. 135.)

Government House, Sydney,
September 3, 1855.
(Received December 29, 1855.)

MY LORD, (Answered, No. 10, 21st January, 1856, page 34.)

I HAVE the honour to acknowledge the receipt of a Despatch marked separate, and dated 15th April, 1855*, containing instructions as to the course to be adopted with relation to the proposed transference of the inhabitants of Pitcairn Island to Norfolk Island.

2. On the receipt of this Despatch I immediately put myself in communication with Captain Freemantle, the senior naval officer on the station, and he at once decided to proceed to Pitcairn Island himself in the "Juno," and he accordingly sailed early in August, and will return to Sydney by the beginning of the year with all the information that may be required to enable me to carry out the remainder of the instructions contained in the Dispatch.

3. I may be allowed to point out to your Lordship that some provision will require to be made for the supply of the new comers with food until they reap their first crop; for I do not suppose that the convicts left on the Island will have been able to keep enough land in cultivation to meet the increased demand. I enclose copy of a letter which I have written to Sir Henry Young on this subject; and, in the absence of any instructions from your Lordship, shall take upon myself to provide whatever may be considered absolutely essential for the new colonists.

1 Sept. 1855.

4. I would also take the liberty of suggesting to your Lordship the advisability of establishing some authority upon the island, who will, under some general instructions emanating either from Her Majesty's Government direct or from the Governor of the Colony to which Norfolk Island may be attached, regulate the allotment of land to the families of the new colonists, and make such arrangements with relation to the purchase of additional portions of land, either by the colonists or by their children, as may tend to encourage industry amongst them and induce them to struggle against the enervating influence of the climate.

5. It would in my opinion be advisable, at all events for the present, to prohibit all grants or sales of land to others than the race now about to inhabit this small island, and to hold out as little encouragement as possible to the domestication of other races, be they white or coloured, among them until the effect of the removal and of the altered circumstances in which they are about to be placed can be clearly seen.

6. I have thought it my duty to bring these matters thus briefly under your Lordship's notice, as bearing upon the success of the experiment which is about to be made. No effort on my part will be wanting which may in any way tend to promote their success.

Encl. in No. 1.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Lord John Russell,
&c. &c. &c.

* Page 65 of Papers on "Convict Discipline," presented to Parliament August 1855.

Enclosure in No. 1.

NEW SOUTH WALES.

Encl. in No. 1.

SIR, Government House, Sydney, Sept. 1, 1855.

I HAVE received a Despatch from the Secretary of State, marked separate, and dated 15th April, 1855, on the subject of the removal of the inhabitants of Pitcairn's Island to Norfolk Island, in accordance with an arrangement proposed some years since, and commented upon by me in Despatches, copies of which are in your possession.

The Secretary of State has forwarded to you a copy of the Despatch above mentioned, and it is therefore unnecessary for me to allude to it further than to say that Captain Freemantle has proceeded to Pitcairn's Island in the "Juno," in order to ascertain the numbers of the inhabitants who will be willing to change their home, and he will be at Sydney again probably about Christmas; I shall then proceed to take the steps pointed out in the Despatch, by chartering a vessel to convey the Pitcairn Islanders to their destination, which vessel will carry back to Hobart Town the convicts and others now left upon Norfolk Island, together with such stores, &c. as it may be desirable or necessary to remove.

Would you have the goodness to allow me to be furnished by the commissariat or the convict department with a list of the stores, tools, stock, &c. now on the island, as also with any information relating to the quantity of land in crop, of provisions in store, &c., which it may be in their power to furnish?—for it is evident that as the Pitcairn Islanders will arrive after harvest, means must be provided for their sustenance until it will be in their power to sow and gather a new crop. I shall be obliged for any data which may enable me to form an opinion as to the length of time which must elapse before the crops can reach maturity; I mean the principal crops, such as maize, sweet potatoes, &c. On receiving any report from Captain Freemantle, I will immediately communicate with you as to the steps which I propose to take, in order that we may act in the fullest concert in the matter.

I have, &c.

His Excellency Sir H. Young, &c. &c. &c.

(Signed) W. DENISON.

No. 2.

No. 2.

COPY of a DESPATCH from Governor General Sir W. DENISON, to the Right Hon. Lord JOHN RUSSELL.

(No. 151.)

Government House, Sydney, October 1, 1855.

(Received, January 26, 1856.)

(Answered No. 31, March 4, 1856, page 35.)

MY LORD,

I HAVE the honour to forward herewith the minutes of the proceedings of the Executive Council, with reference to the arrangements which must necessarily be made at the commencement of 1856, for taking over the whole of the Imperial convict establishments, which from thenceforward will be placed under the control of the Colonial Government.

No. 55/29. 20th Aug. 1855.

2. The principle upon which this is to be regulated is stated in the Duke of Newcastle's Despatch*, No. 36, dated 14th April, 1854, in which his Grace lays down the rule, that the British Government should pay a fair rateable proportion of the expense on account of the small residue of Imperial prisoners; and that, with regard to the lunatic and invalid convicts, the expenses incurred on their account will be reimbursed from Imperial funds. In that Despatch, however, I am directed to furnish clear and full reports, exhibiting the rates at which it is proposed that the British Treasury should be charged for both of the foregoing classes of prisoners. This is not in my power to do; for were I to submit at the present time an estimate of the cost per head of the maintenance of the different classes of convicts for the forthcoming year, I should necessarily base my calculations upon the actual cost at present, which might be either in excess or defect of the actual cost, but most probably much in excess, as the prices of all the necessaries of life are exceedingly high. I have therefore, in accordance with the opinion of the Executive Council, decided to charge the Colonial revenue with the cost of the discipline and maintenance of all the imperial prisoners, and at the end of each year to send in a clear account of the cost of the different establishments in which they are retained, dividing the amount between the Imperial and local Governments in proportion to the number of Imperial and Colonial prisoners maintained. By adopting this plan, the Imperial Government will only be called upon to defray the actual costs

* Vide Par. Paper, May 1854, page 110.

NEW SOUTH WALES.

and charges of the prisoners; and as it is intended in the course of the next session of Council to propose the adoption of a system of prison discipline, by which the labour of all the prisoners will be made available for the purpose of lessening the cost of their maintenance, it is believed that the charge on account of those actually under sentence will be but trifling.

3. Changes will also be made in the treatment of the lunatics, whose labour will be made available in cultivating a garden and farm, the produce to be applied towards their maintenance, the cost of which will thus be diminished.

4. Trusting that the course which it is proposed to pursue will meet the approval of Her Majesty's Government,

I have, &c.
(Signed) W. DENISON.

The Right Hon. Lord John Russell,
&c. &c. &c.

Encl. in No. 2.

Enclosure in No. 2.

PROCEEDINGS of the Executive Council with reference to the breaking up of the Convict Establishment.

Extract from Minute No. 55/29, dated 20th August 1855.

PRESENT:—

His Excellency the Governor General.
The Honourable the Colonial Treasurer.
The Honourable Colonel Bloomfield.

His Excellency the Governor General lays before the Council a Despatch from the Secretary of State to Sir Charles FitzRoy, dated 14th April 1854, on the subject of the breaking up of the Convict Establishment at the end of the present year, and the transfer to the colony, on terms to be agreed on, of the charge of the British convicts still remaining here. His Excellency also lays before the Council a report from a Board consisting of the officers named in the margin, who had been appointed to inquire into the matter.

The Auditor General, The Principal Superintendent of Convicts, Deputy Assistant Commissary General Price, the Medical Adviser to the Government, and the Colonial Storekeeper.

2. The questions to be determined are:—

(1). The arrangements to be made for the custody, maintenance, and supervision of the British convicts now in the colony, whether they be lunatics, invalids, or persons serving sentences, and the manner in which payment is to be obtained from the British Treasury for the cost entailed on the colony; and

(2.) The mode in which the clerical labour consequent upon the system of tickets of leave, &c., is to be provided for, and the mode in which any outlay on the part of the colony, for imperial purposes, is to be calculated and reimbursed.

3. At present there are two systems in partial operation, by one of which (as at Parramatta) the Imperial and Colonial Governments jointly contribute towards the support of an establishment in which lunatics and invalids are confined; by the other (as at Cockatoo Island) the Colonial Government defrays in the first place the whole expense of the establishment, receiving from the British Treasury a certain sum equivalent to the cost of the maintenance of the convicts whom the Imperial Government is bound to maintain.

4. This latter arrangement appears to the Council to be both simple in its application and, for the most part, fair in its operation, and they think that, with a slight modification, it may with advantage be adopted in determining the amount to be contributed by the Home Government, both towards the maintenance of Imperial convicts and towards the expense of the necessary clerical labour.

5. The Council now advise on the first point that, from the 1st January next, this colony should take upon it the entire cost of the several convict establishments, that at the end of each year the entire cost of each such establishment, including superintendence, medical attendance, and every other charge whatsoever, should be ascertained in the manner proposed in the report of the Board, and that thereupon a rateable share of such expense according to the proportion which the Imperial convicts may bear to the entire number of convicts, should be charged to the Home Government. If by any improved method of employing the labour of those confines who are capable of labouring, any such establishment shall hereafter be made wholly or partially self-supporting, the Home Government will of course receive a corresponding advantage in the total or partial remission of all further charge as the case may be.

6. Then with respect to the mode in which the business hitherto carried on in the office of the principal superintendent of convicts may best be transacted after the abolition of that office, the Council are of opinion that until the entire system of penal discipline in this colony is revised, the present arrangement, by which convicts are entitled to tickets of leave after a certain portion of sentences has expired, must be continued; and this, of course, necessarily involves a certain amount of clerical labour. No doubt, by a different system of prison discipline, it may be possible wholly to remove, or at least greatly to reduce, the necessity for this clerical labour; but, in the mean time, the Council advise that the existing arrangements be continued from the first of next year, the duties in this regard hitherto devolving on the Principal Superintendent of Convicts being performed by the Inspector General of Police, who should have two clerks placed at his disposal for this purpose, one of whom should, if possible, as suggested by the Board, be acquainted with the present routine.

7. The proportion of the expense for the pay aud allowances of these clerks to be borne by the Home Government would be calculated as before, according to the number of imperial convicts appearing on the books; and, as before suggested, with respect to convict establishments, the Home Government will receive the advantage of any reduction in these clerical duties which the introduction of an improved system may accomplish.

8. To give effect to these recommendations it will of course be necessary to procure the concurrence of the Legislative Council, and the Council therefore advise that amended estimates for those establishments which will be affected be accordingly laid before them.

(Signed) MICHAEL FITZPATRICK,
Clerk of the Council.

No. 3.

No. 3.

COPY of a DESPATCH from Governor General Sir W. DENISON, to the Right Hon. Lord John Russell.

(No. 173.)

Government House, Sydney, October 27, 1855.
(Received March 5, 1856.)
(Answered, No. 47, April 5, 1856, page 35.)

MY LORD,

IN my Despatch, No. 135*, dated 3d September, 1855, I forwarded a copy of a letter addressed by me to the Governor of Tasmania, in which I requested information as to the amount of provision left in store at Norfolk Island, the quantity of land under cultivation, the number of stock of different kinds, &c.

* Page 24.

2. I now forward a copy of the returns furnished in reply to my letter, together with a report as to the general capabilities of the island, the nature of the crops, the time of sowing, &c. This will enable me to form some opinion of the quantity of provisions, tools, &c. which it will be necessary to send from Sydney for the use of the new colony. I cannot, of course, give your Lordship any idea of the actual amount of stores which will have to be supplied, until I am furnished by Captain Freemantle with a return of the number of persons who may be expected to leave Pitcairn Island for their new home; but it is evident that flour or meal and groceries, &c. will have to be supplied in quantities sufficient for the consumption of at least twelve months.

3. Your Lordship will see that the deputy commissary general is of opinion that it would be very desirable that a person well acquainted with Norfolk Island should accompany the ship which will be sent from Sydney to Pitcairn Island, and as I quite concur in the view taken by Mr. Bishop, I shall make arrangements, if possible, to send a properly qualified person, whose experience will probably be most serviceable to the emigrants. I trust that these arrangements will meet your Lordship's approval; and that I may be authorized to draw upon the military chest for the cost of the provisions, &c. which it will be necessary to purchase.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Lord John Russell,
&c. &c. &c.

NEW SOUTH WALES.

Encl. 1 in No. 3.

Enclosure 1 in No. 3.

MEMORANDUM called for by Sir William Denison's Despatch of 1st September 1855.

Stores, &c., to be conveyed to Hobart Town.

INSTRUCTIONS were left with Mr. Stewart, the commissariat storekeeper in charge at Norfolk Island, to make a careful selection of the most valuable of the stores remaining there for shipment to Hobart Town, and also to ship the mare "Diamond" and her filly foal, if possible.

Lists Nos. 2 to 5 herewith show the description and quality of the stores, furniture, agricultural implements, &c, left at Norfolk Island on the 4th May last. It is surmised that a very large portion of the articles named in these lists would not be worth the transport to Hobart Town, though valuable to the Pitcairners.

List No. 5 gives a description of the whole of the *buildings* on Norfolk Island, with their respective accommodation.

Stock.

A portion of the live stock has been disposed of. The numbers contemplated to be left at Norfolk Island for the Pitcairn Islanders are about

1,300 sheep,
250 horned cattle (milch cows, heifers, steers, &c.)
8 horses (including one young entire).

The swine are running wild in the bush, and their numbers may be estimated at from 40 to 50.

At Philip Island (five miles from Norfolk Island) there is a flock of wild goats; also swarms of rabbits.

Pigeons and parrots abound at Norfolk Island. Fish is also very plentiful round the coast, a ton weight having occasionally been caught in a few hours. They consist of

Trumpeters,	from 6 to 20 lbs.	each.
King fish	„ 6 to 40	„
Trevally, Growper, Rock cod, Snapper	„ 1 to 6	„

Land in Crop.

At the last sowing season (1854) the only grain sown was oats and rye for forage, and as vegetables, vines for sweet potatoes. The wild pigs destroyed nearly the whole of the former, and the cattle all the latter, the fencing having gone generally to decay from the want of convict labour.

When the "Southern Cross" left Norfolk Island in May last, there was not a rod of land under cultivation by the Government, and only about two acres of the officers' gardens were in crop.

There is no grain seed on the island available for sowing except a small quantity of wheat, which has not been found to answer, the crop being generally a very poor one, and seriously subject to smut and blight.

Provisions in Store.

A statement herewith, showing what the remains were on the 7th May last, and the estimated number of days each article is calculated to last from that date, presuming that the issues are restricted to the wants of the seventeen individuals left on the island.

It will be observed on reference to this statement, and to the probable time which will elapse before the Pitcairners can reach Norfolk Island, that a very limited amount of supply would be available for them.

Data to form an Opinion.

Maize should be sown from July to October. It has been planted as late as the middle of December, but generally failed. Maize is harvested from February to the end of May, and the average produce is twenty bushels per acre.

Sweet Potatoes.—Vines for these should be planted according to the season, from the beginning of September to the end of November. Those first planted are, after fair weather fit for digging about Christmas, and all the crop grows and continues good in the ground and fit for human food until the middle of July, after which they are given to the swine.

Most European vegetables will grow luxuriantly at Norfolk Island, except the potato, which is generally small and watery.

It is evident from the foregoing, that after making due allowance for fencing, ploughing, and sowing, no crop of maize could be looked for at Norfolk Island before March 1857, or the sweet potato before December 1856, rendering it indispensable that an extensive supply of bread stuffs, groceries, &c., should be provided for the Pitcairn islanders to start upon.

The whole of the fencing at Norfolk Island is reported to be in a very dilapidated state; but sufficient good material might be collected from them to construct some miles of serviceable fencing, labour only being required.

I am of opinion that it would be a very desirable, if not an indispensable arrangement, for a person well acquainted with Norfolk Island (one of those last withdrawn, if possible) to be selected to accompany the ship proceeding to Pitcairn Island, as his advice would be very valuable in directing the Pitcairners as to what articles it would be desirable for them to move to Norfolk Island, having in view that the large extent of building accommodation there is of a superior class, in excellent order, and furnished with fixtures and fittings of every requisite description, besides a large quantity of furniture, consisting of tables, chairs, forms, presses, &c. &c., so that few bulky articles need be moved by them.

It should be borne in mind that the crew of the ship, and the Pitcairn islanders themselves, will have to assist in unloading the vessel at Norfolk Island; also in boats, and shore work; the cargo having to be discharged and taken in, in the open sea, generally about four miles from the shore of Norfolk Island.

(Signed) WILLIAM BISHOP,
Commissary General.

Commissariat, Van Diemen's Land, Hobart Town,
September 18, 1855.

Enclosure 2 in No. 3.

Encl. 2 in No. 3.

STATEMENT of the Quantity of Provisions, &c., in the Commissariat Magazines at Norfolk Island on the 7th May, 1855; showing the estimated number of days each Article is calculated to last from that date. The Estimate being based upon the supposition that the issues have been and will be restricted to the wants of the Seventeen Persons authorized to remain on the Island.

Articles.	Quantities in Store on the 7th May, 1855.	Estimated daily Issue.	Estimated number of Days each Article is calculated to last from 7th May, 1855.
Wheat - - - 15,008 lbs.	Equal to Flour. lbs.		
Flour - - 1,402 „	13,409	27 pounds.	497 days
Hops - - - „	$50\frac{3}{4}$	$\frac{1}{2}$ ounce.	1,624 „
Tea - - - „	$241\frac{1}{2}$	$\frac{3}{4}$ pound.	322 „
Sugar - - - „	$2,081\frac{3}{4}$	5 pounds.	416 „
Salt - - - - „	1,342	2 pounds.	671 „
Soap - - - „	$675\frac{3}{4}$	2 pounds.	338 „
Tobacco - - „	442	$1\frac{1}{2}$ pounds.	295 „
Rice - - - „	$725\frac{1}{4}$	1 pound.	725 „
Oatmeal - - Pints	736	1 pint.	736 „
Peas - - - „	$312\frac{1}{2}$	$\frac{1}{2}$ pint.	625 „
Vinegar - - „	70	$\frac{1}{4}$ pint.	280 „
Pipes - - Number	500	1 number.	500 „
Port Wine - - Bottled	81	$\frac{1}{3}$ bottle.	243 „
Candles - - - lbs.	$101\frac{1}{4}$	Sufficient light for three or four years.	
Black Oil - - - Pints	$2,767\frac{1}{2}$		
Cotton Wick - - - lbs.	$7\frac{3}{16}$		

Commissariat, Van Diemen's Land,
Hobart Town, September 15, 1855.

WILLIAM BISHOP,
Commissary General.

NEW SOUTH WALES.

Encl. 3 in No. 3.

Enclosure 3 in No. 3.

LIST of Barrack Stores remaining at Norfolk Island, not having been considered of sufficient Value to be worth Removal.

Articles.	Number.
Chairs, officers	50
Lanterns, passage	13
Tables, room	25
,, mess pieces	4
Sideboards	1
Washhand stands	6
Forms, soldiers	73
Lids, iron	4
,, wooden	10
Water pails	10
Pots, iron	8
Stools, serjeants	9
Tables, old pattern	41
Tubs, urine	3
Baths, slipper	1
Barrows, wheel	2
Boxes, sentry	4
Casks, water	2
Well ropes	2
Well buckets	2
Dripstone, frames	2
Boilers, iron	11

REMARK.—The Commissariat storekeeper in charge of the island will make a selection from among these articles for removal to Hobart Town.

Commissariat, Van Diemen's Land, Hobart Town,
September 15, 1855. (Signed) WILLIAM BISHOP,
Commissary General.

Encl. 4 in No. 3.

Enclosure 4 in No. 3.

LIST of Commissariat Magazine Implements remaining at Norfolk Island for use in the Stores, in charge of Assistant Storekeeper Stewart.

Description of Articles.	Number, &c.
Adze, cooper's, with handle	1 No.
Beams, scale	3 ,,
Bills, mill	11 ,,
Block, single	1 ,,
Brushes, sweeping	1 ,,
Boiler, 25 gallons	1 ,,
Cleavers, butchers	11 ,,
Cocks, brass	2 ,,
Hammers, coopers	1 ,,
Iron beck	1 ,,
Jointers, coopers, with irons	1 ,,
Knives, drawing	1 ,,
,, coopers' hollowing	1 ,,
Butchers' knives	2 ,,
Measures, bushel	1 ,,
,, half	1 ,,
,, spirit	4 ,,
Mills, steel	1 ,,
Moulds, candle	72 ,,
Needles, sail	2 ,,
Padlocks	3 ,,
Palms, sailmakers'	1 ,,
Planes, smoothing	1 ,,
Rope, 2½ in.	15 fathoms.
Saws, butchers'	2 No.
Scales	1 pair.
Scoops, tin	1 No.
,, iron	1 ,,
Shaves, spoke, coopers'	1 ,,
Skids	2 ,,
Stock	1 ,,

Description of Articles.	Number, &c.	
Stones, grinding	1	No.
Waggon, sack	1	,,
Weights, 56 lbs.	23	,,
,, 28 lbs.	3	,,
,, small	9	,,
Winnowing machine	1	,,
Office Furniture.		
Boxes, account	—	,,
Desks	3	,,
Stone	1	,,
Inkstands and glasses	4	,,
Press	1	,,
Rulers	3	,,
Stamp, wafer	2	,,
Stools	4	,,
Weights, lead	4	,,
Tables	3	,,
Transport.		
Cart	1	,,
Harness	1	set.

REMARK.—Suggested that the whole of these articles be left on the island for the use of the Pitcairn Islanders.

Commissariat, Van Diemen's Land, Hobart Town,
September 15, 1855.

(Signed) WILLIAM BISHOP,
Commissary General.

Enclosure 5 in No. 3.

Encl. 5 in No. 2.

LIST of Furniture, Stores, and Sundries, which are estimated as remaining at Norfolk Island, and which, with but few exceptions, are not of sufficient value to be worth removal.

Articles.	cwt.	qrs.	lbs.	Number, &c.
Anchors, boat	0	2	0	1
,, large	2	3	24	1
Axes, felling				66
,, fire				1
,, pole, butchers'				1
,, broad				2
Anvils, smiths'				2
Awls, brace				15
Adzes, carpenters'				4
Bars, crow				2
Beams, scale iron				2
Beams and scales				2 sets
Belly bands, bullock				10
Belts, sword				9
Bits, horse bridle				3
,, snaffle				1
Blankets				173
Blocks, assorted				13
Boat breeching and bridle				1
,, carriages				4
,, hooks				2
,, launches with sails				2
,, whale do.				1
Boilers, iron, assorted				27
Bottles, tin, oil				8
Bows for yokes				37
Boxes, torch				2
Breeching, bullock and horse				11
Bridles, riding				3
Buckets, water				50
,, leather				34
Bunting, blue				40 yds.
,, yellow				40 yds.
Buoys, life, safety, copper				4

Articles.	Number, &c.
Cans, milk	5
Brushes, paint	4
,, small	2
,, whitewash	8
,, tar and long handle	2
,, sweeping	1
,, scrubbing	1
Bellows, smiths'	1
Braces, wood	1
,, iron	1
Barrows, wheel	50
Bitts, assorted	35
Benches, carpenters'	11
Buckets, well	6
Boxes, wood, pit saw	3
Butser, smiths'	1
Bells, house	1
Baskets	3
Barrels	5
Balls, copper	1
Bellows, nailers'	1
Bins, corn	1
Compasses, carpenters'	4
Carts, hand	11
,, bullocks	2
,, horses	7
,, water	3
Carriage, timber	1
Copper, old pipe	7 lbs.
Chisels, assorted	81
Cases, packing	24
Casks do.	11
Cans, paint, &c.	46
Cartridges, ball	360

NEW SOUTH WALES.

Articles.	Number, &c.
Chains, claw, bullock	30
,, draught	22
,, iron	71 fathoms
,, trace, bullock	11
Clamps, wood	12
Cloth, linen, Hessian	98 yds.
Cleavers, butchers'	2
Coats, watch	18
Collars, draught horse	1
Cutters, chaff	1
Chairs	95
Casks, water	26
Desks, writing and school	22
Dishes, tin	117
Drays, bullock	7
Engine, fire, with hose complete	1
Ensigns (flags)	2
Files, assorted	94
Fullers, smiths'	6
Figures, sheet	9
Flags, Marryatt's	16
,, miscellaneous	4
Forks, dinner	3
,, dung	4
,, pitch	11
Funnels, tin	3
Gambrels, butchers'	17
Gimblets	10
Gouges, socket	1
,, former	3
Gunpowder	90 lbs.
Hames, bullock and horse	7
Hammocks	13
Hammers	8
Hardies, nailers'	10
Horses	3
Hoes, broad	10
Handcuffs	4 pairs
Hobbles	3 ,,
Hooks, fishing	160
Irons, branding	8
,, flat smoothing	4
,, plough	1
,, tiresmiths'	2
,, plane, assorted	15
,, soldering, tinmen's	3
,, grapnel	1
,, searing, farriers'	1
,, old scrap	1 ton
Jumper, quarry	1
Knives, shingle	2
,, putty	2
,, plumbing	2
,, hacking	4
,, paring, smiths'	1
,, butchers'	7
,, carving	2
,, clasp	12
,, pen	1
,, table	76
Keys, bed	1
Kegs, paint	3
Ladders, assorted	5
Locks, pad, assorted	62
Lathe, turning	1
Lead pipe, old	6
Lamps, street	10
,, passage	6
,, hanging	2
,, hand	11
Lanterns, bull's-eye	1

Articles.	Number, &c.
Lids, boiler and pot	25
Machine, winnowing	1
Marlinspikes	1
Measures, bushel	1
,, half bushel	1
,, glass graduate	1
Moulds, bullet	3
Mandrils, smiths'	26
Mallets, masons'	6
Oars, assorted	12
Oil, linseed	7 gallons.
Paints, assorted	40 lbs.
Pall, funeral	1
Pans, frying	6
Pans, sauce, iron	20
Pestle and mortar	1
Phlemes	1 set.
Picks, road	6
Palms, sailmakers	2
Pistols, percussion	16
Plates, tin	100
Ploughs	4
Needles, quarry	2
Planes, trying	1
,, plough	1
,, jointer	1
,, jack	3
,, smoothing	7
,, toothing	2
,, circular	1
,, sash, oval	1
,, revate	1
Pumps, wood	2
Planes, iron, quarry	24
,, breast, smith	1
Pincers	1
Pans, water-closet	1
Punchers, steel	7
Pokers	1
Picks, clay and masons'	9
Riddles, iron wire	2
Rakers, iron, assorted	12
Rulers, carpenters' 2-foot	3
Rasp	1
Pots, iron, assorted	25
Rasps, farriers	2
Rings for keys	3
Rope, 3½ inch	30 fathoms.
,, white, ½ inch	166 ,,
Resin	40 lbs.
Rulers, office	6
Stools	2
Seats, verandah	2
Tables, common	40
Saddles, bullocks	3
,, cart	3
,, riding	2
Saws, cross cut	4
,, hand	8
,, tenon	4
,, keyhole	1
,, twining hand	1
,, ditto, pit	1
,, hack	1
Scales	1 set.
,, and weights for medicine	1 ,,
Screw and nut for wood press	1
Sheaves, 4-inch	3
Sieves, assorted	4
Signal book	1
Snuffers	2 pairs.

Articles.	Number, &c.	Articles.	Number, &c.
Spades	30	Weights, brass, assorted	15
Steel, butchers	2	,, iron	30
Stones, oil	3	Tools, nailers'	9
,, ray	5	,, bolt	12
,, Turkey	1	Tubs, assorted	20
,, grind	2	Tongs, smiths	20
Screw-drivers	1	Taps, brass	2
Swords and scabbards	8	Tools, turning	2
Shaves, spoke	3	Vice, smiths	1
Store, preserving	1	Ventilators, copper	15
Shears, tinman's	1	Wrench, screw	20
Screws, plates and taps	5	Wool press	1
Screens, lime	3	Wardrobes	3
Shovels, assorted	15	Washhand stands	3
Salver, plaster	1	Tables	150
Spoons, quarry	3	Cases, book	3
Sets, saw	1	Crane iron on jetty	1
Telescopes	1	Forms, assorted	100
Turpentine	4 gallons.	Mangle	1
Twine, sailmakers	6 lbs.	Presses	4
Watch tackle fall	2		

REMARKS.

This estimate, from which a general idea only can be formed, includes both "serviceable" and "unserviceable" articles, the latter not having been destroyed, it having been considered probable that the Pitcairn Islanders might possibly, although in another shape, make them useful.

As a general estimate, more than half of the articles in this list may be considered "unserviceable." In addition to this list, there are many other articles most difficult to call to mind, unless specially brought under the notice of a person recently from the island, who from his position had an opportunity of knowing what was left by each of the several departments, viz., Convict, Engineer, Medical, Barrack, and Commissariat. By far the greater proportion of these articles, although all convict property, were in the charge of the foreman of Works, Royal Engineer Department, and no convict officer possesses any knowledge or information with regard to them.

Commissariat, Van Diemen's Land, (Signed) WILLIAM BISHOP,
Hobart Town, September 15, 1855. Commissary General.

Enclosure 6 in No. 3. Encl. 6 in No. 3.

LIST of Buildings at Norfolk Island.

Settlement Station.

Government House is a stone building consisting of eight rooms, 1 kitchen, 2 store rooms, 1 loft, 1 pantry, 1 watercloset, 2 cellars, 21 pair of 15 light sashes, 14 framed doors, 4 ledged doors, 20 locks, 6 mantelpieces, 20 pair of box shutters, 20 pair of Venetian shutters, store fitted up with shelves, verandah front and 2 ends flagged, filled in with trellis work, a flight of stone steps in front; the outbuildings consist of stone work, 9 rooms including office, laundry, bakehouse, washhouse, well in yard, 3-stall stable, coach-house, harness and servants room, privy, boiler, 18 ledged doors, 7 pairs 12-light sashes, 3 6 light, 1 pigeon house, 2 yards all enclosed.

Officers' quarters:—12 cottages, 10 of them stone buildings, 1 weather boarded on stone foundation, 1 weather boarded, of from 4 to 8 rooms each, with outbuildings of stone, usually 2 rooms with small storerooms in addition, left with sashes, Venetian shutters, doors, locks, verandah with trellis work and stone flagged, with flights of stone steps in front, and enclosed by walls 9 feet high, all complete.

Inferior persons' quarters:—33 buildings, 27 stone, 6 weather boarded on stone foundations, left with sashes, Venetians, doors, locks, &c. complete number of rooms from 2 to 4 each, with kitchens.

Windmill.

Weather-boarded building, driving wheel, pinion wheel, dressing machine and gear, main shaft, 4 fans, 1 ladder, 1 wheel, and stone foundation, pair of mill stones, feeding hopper, wood cart and rollers for mill to traverse on.

Huts at the Windmill.

Stone building, 3 rooms and kitchen, privy, pouch over door, 4 ledged doors, locks, sashes, &c.

Water Mill and Miller's Quarters.

Stone buildings, consisting of millhouse, grinding and dressing rooms, 1 wood axle, 1 water and 1 pit wheel, driving and pinion wheel pair of millstones, dressing machine with

NEW SOUTH WALES.

gear, 2 rooms for the miller and a weather-boarded kitchen, 2 sashes, doors, locks, machine for hoisting grain, mill dam, and race with cistern over the waterwheel.

Royal Engineer Buildings.

Stone stable, 4 stalls paved with pebbles, racks, mangers, 4 louvre windows, pair of half doors.

Engineer office, stone building, 4 rooms, 2 privies, 1 yard, 6 12-light sashes, 4 pairs of sliding framed shutters, pulleys, lines, handweights ditto, stone porch doors, locks, stone mantelpieces, yard, flagged, enclosed with stone wall, 7 feet high, stone coping on the wall.

Convict Store and Guard Room.

Stone building, 2 stores, cellar, all fitted up with shelves, &c. for stores, guard bed, flight of stone steps, sashes, Venetians, doors, &c. complete.

Crank Mill.

Stone building, 2 stores and cellars, stores fitted up with shelves, mill fitted with gear, doors, and sashes.

Reading Room.

Stone building, sashes, mantelpiece, door, lock, shelved, &c.

Police Office.

Stone building, 5 rooms, sashes, doors, shutters, locks, privy, &c.

Boat Sheds.

Stone building, 2 compartments, holds 2 15-ton launches, and 2 or 3 whale boats, 2 pairs of folding ledged doors, 1 corner door.

Boat Run, Pier, &c.

Stone pier running into the sea, with 2 flights of stone steps for landing, stone slip for launching boats, flagstaff, with stone work round the bottom.

Prisoners' Mess Room.

Stone building, boarded floor fitted up with cupboard rails, pegs, &c. large privy, 5 street lamps, towel rollers, verandah round yard, skylights in roof, 2 pairs of double gates.

Bake House.

Stone building, 3 ovens, 1 copper, doors, fireplaces, window openings, &c.

Cook House.

Stone building fitted up with cooking apparatus, 4 coppers, fireplaces, sashes, doors, ventilator on roof, floor flagged.

Carpenter's Shop.

Stone building, shop and 2 rooms, sashes, skylight, doors, open shed for cooper, sawpit in the shop, for use in wet weather, and 3 outside the shop.

Protestant Chapel and Vestry.

Stone building fitted up with pews and seats, pulpit and reading desk, communion rail and table, gallery and vestry, 9 pairs of 18-light sashes, 3 skylights, 4 framed doors, locks, ventilators, 1 sash door, commandments written over the communion table on the wall, stone font.

Superintendent's Office, Court House, and Room over.

Stone building, sashes, 12 window openings filled in with iron bars, court house, boxes, and dock-doors, floor partly boarded, partly stone.

Catholic Chapel and Sacristy.

Stone buildings, pews and seats, altar and altar railings, altar window, pulpit, stone font, 8 pairs 12-light sashes, doors, skylight, locks, ventilators, &c., painting on walls, &c.

Mess Room and Cook House over.

Stone building, flight of stone steps, sashes, doors, shutters, 1 copper, 1 fireplace.

Prisoners' Barracks.

Stone building, consisting of centre and two wings, cupola on centre of centre, with letters of the cardinal points of wind over it (N. E. S. W.), 12 wards, 117 pair of 12-light sashes filled with iron bars, lower floor of the building fitted up with separate treatment boxes, 9 flights of stone stairs, 16 framed doors, 16 gaol bolts, 14 street lamps, ventilating pipe in each ward, 1 bell, 1 privy.

Police Hut, Guard Room, and Gateway.

Stone building, 5 rooms, sashes, doors, &c. This concludes an account of one mass of buildings with large open yards, commencing from the Protestant chapel, the whole enclosed by a stone wall 13 feet high.

Hospital.

Stone building, 10 rooms, privy, store, 23 window openings, sashes, doors, &c.; 1 copper, surgery fitted up with shelves, draws, press, &c.

Blacksmith's Shop.

Stone building, 3 smiths' forges, 1 nailer's, 1 wheelwright's shop, painter's shop, sashes, doors, outside gates, &c., enclosed by a 10-foot stone wall.

Salt House.

Stone building, chimney 60 feet high, 2 coppers, 1 pan, 1 pump, windows, doors, ventilator, &c.

Dairy Hut, Pig and Cow Yards.

Stone building, 4 rooms, yard-leant roof for the purpose of milking under, dairy fitted up, &c., well outside.

Police Huts.

Three stone buildings, doors and sashes complete, wood partitions, making 4 separate sleeping berths.

Gaol.

Stone work, 5 separate buildings, 10 yards, 82 cells, 9 wardmen's rooms, 2 hospital rooms, with gates, doors, sashes, iron bars, &c. complete; also 40 cells, 4 rooms, 1 guard room, the whole enclosed with a 10-foot stone wall.

Separate Treatment Cells.—12 cells, 12 yards, dark cells, doors, &c. complete.

Gaoler's Quarters.—Stone building, 8 rooms, privy, sashes, windows, Venetian shutters, &c.

Military Barracks, Old and New.

Two separate ranges of buildings, each surrounded with walls 14 feet high; the fittings are complete, water laid on at the new barracks. There is ample accommodation for 250 soldiers. Officers' quarters consist of 4 separate buildings within the barrack walls. Two powder magazines, &c. &c.

Commissariat Magazines.

Stone building, 1 cellar, 3 stores or lofts, 34 pairs 12-light sashes, 14 lower boarded windows, all window openings fitted with iron bars; doors, sashes, locks, &c. complete; a large flight of stone steps in front, wall round the yard 14 feet high, with 7 stone sheds inside. Twelve grain siloes excavated in a hill at the back of the magazines.

At Longridge, one mile from the settlement, there are one stone and five weather-boarded houses of from four to seven rooms each; the sashes, doors, and fittings were complete in May last. The prisoners' barracks are three large weather-boarded buildings on stone foundations; one of these buildings is in good order, the others somewhat unsafe. The fittings for slinging the hammocks of 300 or 400 men are still complete. The farm buildings at Longridge consist of—

2 stone barns,
1 12-stall stone stable, complete,
2 store rooms, fitted up,
1 tool house,
1 bakehouse, with oven complete,
1 cook house, with cooking apparatus,
1 weather-boarded fowl house.
1 stone gaol, 12 cells.
1 well.

At the Cascades, three miles from the settlement, there are a number of weather-boarded cottages, but they are in a very dilapidated condition, and much decayed. At the same station there is—

1 stone gaol, 3 cells, and kitchen,
1 stone cook and bake-house,
1 weather-boarded 4-stall stable,
2 wells.

At the landing place at Cascades there is a stone store, 2 rooms, guard room decayed; and at the jetty there is one strong crane secured to the rock, and used for hoisting goods out of boats alongside.

Commissariat, Van Diemen's Land, Hobart Town,
September 15, 1855.

WILLIAM BISHOP,
Commissary General.

NEW SOUTH WALES.

Despatches from the Secretary of State.

No. 1.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor General Sir W. DENISON.

(No. 10.)

SIR, Downing Street, January 21, 1856.

* Page 22.

I HAVE received your Despatch, No. 135*, of the 3d of September last, upon the subject of the intended transfer of the inhabitants of Pitcairn's Island to Norfolk Island.

I have come to the conclusion that after the removal of the last of the convicts it will be desirable that Norfolk Island should be placed under your government as Governor of New South Wales, but not annexed to the latter colony as part of it; and I shall take the first opportunity of forwarding to you an Order of Her Majesty in Council for effecting that object, under the powers created by the Act 18 & 19 Vict. c. 56, s. 5.

I entirely approve of your resolution to furnish the Pitcairn's settlers with provisions for their maintenance until they shall have had time to grow their own food upon Norfolk Island.

It will also be proper, as you have suggested, to refuse to sell or grant lands in this small island to any other than the race by which it is now about to be inhabited, and to hold out as little encouragement as possible to the domestication there of any other races until the present experiment be fully tried.

I leave it to you to determine whether any public officer must be sent amongst them, and if so, with what powers and in what capacity, for the superintendence of their affairs. At the moment of arrival it certainly may be expected to be indispensable that some one should be present with authority to regulate the distribution of land and of the other property on the island, to guard against or settle disputes, and to give an answer to the numerous questions which cannot but arise in first occupying an entirely new territory. It would seem expedient that lots of not more than moderate dimensions should be assigned at first to the different families, so as to avoid too rapid an appropriation of the limited surface of this small island, and to keep a reserve for the further increase of the race. On this and on other questions connected with the first reception and settlement of the new comers, you are in the best position to lay down general rules for the guidance of any officer by whom the operation is to be superintended.

The course to be afterwards pursued in this respect I also leave, as I have above said, to your discretion; but after these earliest arrangements are made it will be satisfactory to me if I shall learn that you have found it safe and expedient to leave this people to the sole management of their own affairs, as has hitherto been the case in Pitcairn's Island; sending, however, occasionally some trustworthy person among them to report upon their condition.

In conclusion I will merely say that, from the interest which you are certain to take in their welfare, and which, indeed, you have already manifested in the present measure, I feel that it must be unnecessary for me to recommend a population whose past history and conduct have so greatly excited the sympathy of the people of this country to your especial care and protection.

I have sent copy of this Despatch to Sir H. Young, desiring him, if there should be any accidental delay in the arrival of the Order in Council so that his legal power over the island could not be formally put an end to before the arrival of the Pitcairn people, to act in co-operation with yourself, and to ratify any steps which you may have taken.

I have, &c.
(Signed) H. LABOUCHERE.

Governor-General Sir W. Denison,
&c. &c. &c.

NEW SOUTH WALES.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir W. DENISON.

(No. 31.)

SIR, Downing Street, March 4, 1856.

I HAVE received your Despatch*, No 151, of the 1st of October last, reporting the manner in which you propose to provide for the transfer of the management of the convict establishment to the colonial government from the 1st January 1856. * Page 23.

The arrangement proposed by you appears to me quite just, and well suited to its purpose, and having communicated on the subject with the Lords Commissioners of the Treasury, I have to convey to you my sanction of its adoption.

I enclose for your information the estimate which has been prepared, necessarily to a certain extent from conjecture, of the amount that would be required to meet the charges on imperial funds for this service in the financial year ending the 31st March 1857. I shall be glad if you will furnish me, at an early opportunity after the receipt of this Despatch, with such means as experience up to that date will afford of calculating the amount that will be required for the succeeding financial year commencing on the 1st April 1857.

I have, &c.

Governor Sir W. Denison (Signed) H. LABOUCHERE.
&c. &c. &c.

Encl. in No. 2.

Enclosure in No. 2.

ESTIMATE of the Amount required to defray the Convict Establishment of New South Wales, for the Year ending the 31st of March 1857.

Number of convicts - - - 700

	£
Provisions for convicts and establishment - - -	500
Lunatic and invalid establishment - - - -	3,500
	£ 4,000

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir W. DENISON.

(No. 47.)

SIR, Downing Street, April 5, 1856.

I HAVE received your Despatch*, No. 173, of the 27th of October last, relative to the location of the Pitcairn Islanders in Norfolk Island. * Page 25.

I quite approve of your proposal to send a competent person acquainted with Norfolk Island to accompany the Pitcairn's people on their voyage to that place.

Having communicated with the Lords Commissioners of the Treasury, I also approve of your design to furnish the Pitcairn's people with the provisions requisite for their support until they can grow their own food. At the same time I trust that you will incur no unnecessary expense, and I have no doubt that your own discretion will put you on your guard against any such prolonged support of these settlers as would impair the habits of industry by which they have hitherto been characterised.

NEW SOUTH WALES.

I shall be glad if you will cause a statement of the expense incurred, and an estimate of the further amount that will be required, to be prepared and transmitted by the earliest opportunity in your power, with a view to its being possible to submit the application to Parliament in the colonial estimates for next year. These estimates are now usually prepared before the end of January.

I have, &c.

(Signed) H. LABOUCHERE.

Governor Sir W. Denison,
&c. &c.

WESTERN AUSTRALIA.

WESTERN AUSTRALIA.

Despatches from Governor Fitzgerald.

No. 1.

No. 1.

Copy of a DESPATCH from Governor Fitzgerald to the Right Hon. Sir George Grey, Bart.

(No. 26.) Government House, Perth, February 20, 1855.
(Received May 24, 1855.)
(Answered, No. 25, June 12, 1855, page 214.)

Sir,

Adverting to your Despatch, No. 29,* of the 21st September last, instructing me relative to the mode of dealing with convicts forwarded to this colony from Bombay,

I have the honour to request information as to whether the charge to be made for them is to include rations, superintendence, and clothing, prison accommodation, tools, &c.; and also whether, on being re-convicted from tickets-of-leave, they are still to be charged to the Indian Government.

I have, &c.
(Signed) CHARLES FITZGERALD.

Right Hon. Sir George Grey, Bart.,
&c. &c. &c.

No. 2.

No. 2.

Copy of a DESPATCH from Governor Fitzgerald to the Right Hon. Sir George Grey, Bart.

(No. 33.) Government House, Perth, March 9, 1855.
(Received July 17, 1855.)
(Answered, No. 7, October 24, 1855, page 215.)

Sir,

I have the honour to acknowledge the receipt of your Despatch, No. 37†, of the 5th November 1854, drawing attention to a communication of the Deputy Commissary General in charge at this station to the Lords of the Treasury, as to the necessity of providing certain commissariat buildings at King George's Sound, if the convict depot is to be kept up there.

2. You further advert to the successive reports which arrive from the colony satisfying you of the undue amount of the charges which must be occasioned by maintaining distant depots of convicts, and referring me to to your predecessor's Despatch, No. 62‡, of the 8th May, 1854, on this subject, and further instructing me to abstain from sending any more convicts to distant stations, but to concentrate them in the establishments at Fremantle and in its vicinity, leaving to colonial farmers to send to head quarters for any ticket-of-leave men they may be willing to hire.

3. It will be my duty to carry out these instructions as far as posisble, but I would take leave to offer a few observations asto the first establishment of these rural depots, in obedience to the several instructions of Earl Grey (in the Despatches enumerated in the margin), while holding the seals of the Colonial Office, as also, I trust, to make evident how conducive this arrangement has proved to the good working of the penal system, both in a disciplinary and moral sense, and equally so in an economical point of view as regards the Imperial expenditure, while the advantages to the colony by the increased development of its resources are daily manifesting themselves in the marked progress of every interest and the increasing prosperity of all.

No. 135 of 1850.
„ 137 do.
„ 9 of 1851.
„ 60 do.
„ 80 do.
„ 81 do.
„ 98 do.

4. When Earl Grey determined on despatching the first draft of ticket-of-leave men, numbering nearly 300, by the "Pyrenees," in the month of March, 1851,

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* Page 214 of Papers on "Convict Discipline," presented to Parliament February 1155.
† Page 216 of same Papers.
‡ Page 205 of same Papers.

he naturally felt the arrival of so many men unexpectedly, in the novel character of ticket-of-leave holders, among so small a community, might be productive of some embarrassment, if not alarm, which he at such distance could not provide for, and therefore, to meet such a contingency, the "widest latitude" was given to me in their disposal, but at the same time pointing out Champion Bay, and its interior, as a probable place where many of these men could be located with advantage, with the view of developing its mineral resources.

5. In like manner, King George's Sound was also thought by the same authority a position where a portion of these men might be employed with benefit to all interests in the construction of a jetty in the excellent anchorage of Princes Royal Harbour,—an opinion that was afterwards fully confirmed by Sir John Pakington, in his Despatch, No. 133, of Nov. 28, 1853, both he and his predecessor having in view the convenience such a structure would afford to the Royal Mail Contract Steam Company, who had just then determined on making the harbour alluded to their principal coaling depôt, thus carrying out Earl Grey's three great principles:—

Firstly, the giving the settlers the fullest opportunity of engaging ticket-of-leave labour;

Secondly, the avoiding concentrating these men in large numbers in any one vicinity, and more particularly in the neighbourhood of Perth and Fremantle;

Thirdly, the developing the resources of the colony by ticket-of-leave labour when not engaged in private service.

6. I would next draw your attention to the letter of Mr. Hawes, then Under-Secretary of State, to the late Mr. Nash, dated December 20, 1849, a copy of which was forwarded for my guidance in Earl Grey's Despatch, No. 66, of January 5, 1850, and which was directed to be published for the satisfaction of the colonists. In this communication a pledge is given to Mr. Nash that convicts would be sent to this colony to make roads and construct bridges; in short, to aid in developing its resources in every way that was beyond its own immediate means; that the system of assignment was not contemplated, and that it was hoped Parliament would grant such funds as would enable Her Majesty's Government to send to this colony free immigrants equal in number to the convicts, and selected for good character, keeping in view the necessity of equalizing the sexes.

7. Such I would, with great respect, remind you was the promise given by Her Majesty's Government to this colony on its first reception of convicts, and it will be unnecessary to say that anything short of its entire fulfilment can only be productive of discontent and dissatisfaction among the colonists, who only received convicts on the faith of such promise.

8. With instructions so clear and far-seeing as those I have referred to, it will, I trust, be obvious that I should have been acting in direct variance to them, had I kept 700 or 800 of these men concentrated in any one vicinity, where they could have been of little or no use in developing the resources of the colony at large, but, on the contrary, have become a turbulent and troublesome body, from a want of unceasing occupation for any lengthened period wherever so concentrated, as also from the knowledge of their united strength by aggregation, especially when in such close proximity with a large number of prisoners, the ticket-of-leave men being well aware that while I was unable to afford any proper accommodation for such numbers, I had still less means for their control and coercion when necessary for the maintenance of discipline and order.

9. I am therefore at a loss as to what establishments at Fremantle and in its vicinity are alluded to when I am instructed to concentrate these men, as, independently of the new prison at South Fremantle for prisoners only, which will not be ready for occupation before next June, and then only capable of holding 800 men of that class, there is no provision or accommodation whatever for a large number of ticket-of-leave men beyond that I now have the honour to recapitulate.

10. At North Fremantle, on the opposite side of the river to the prison, there is a small wooden building without enclosure of any kind capable, with good management, of sheltering from 90 to 100 men; a similar building on the same plan at Freshwater Bay, half way between Perth and Fremantle, capable of holding from 30 to 40 men; and one at Perth that will contain

WESTERN AUSTRALIA.

from 50 to 60 men, and another at Guildford, nine miles from Perth, capable of holding from 90 to 100 men.

11. Thus I am able to provide, as is now being done, for about 300 men on the hands of Government at these stations, but how to dispose of the additional numbers? If I called them into the vicinity of head quarters that are located in the depôts, of Albany and Bembury to the south, Port Gregory to the north, and York and Toodyay to the east, the whole numbering some 500 men, I confess myself unable to see, unless I am instructed to incur the heavy expense of commencing a building of wood or stone, capable of holding from 800 to 900 men, with its necessary auxiliaries, of officers' quarters for the large number of discipline officers who would be required, commissariat, store, and offices, hospital, lockup, &c.

12. On the other hand there can be no doubt that the erection of the buildings at each of the depôts has been of considerable cost, but I presume one that must have been foreseen and thought unavoidable from the experience of Van Diemen's Land, when it was determined to send over 3,000 convicts (as is the case just now) to this colony, where there was neither shed nor structure of any kind for the reception of even twenty prisoners. I have, however, the pleasure of stating that by far the greater part of this expense is already incurred, as the rural depôts are all very nearly completed, to such an extent, that I am of opinion the sum of 2,500*l.*, extended over a period of two years, will quite complete the whole; while I apprehend, to erect the additional accommodation for the probable number of ticket-of-leave men who will be on the hands of Government by next winter, if concentrated, could scarcely be done at North Fremantle or anywhere in its vicinity for less than nearly 5,000*l.*, as at head quarters every material would have to be purchased, while in the construction of the buildings at the outstations, the ticket-of-leave men have burned the bricks, and cut down the Government timber, without charge required for the buildings, at no further cost than their rations and supervision, and in that way have been enabled to erect an amount of buildings at much less than half the expense the same would have been done for in the vicinity o Pe rth or Fremantle.

13. Having in my Despatch, No. 101*, of 11th September 1854, transmitting the Comptroller-General's half-yearly report for the six months ending the 31st December, 1853, given my views as to the saving that had been effected by the dispersion of the ticket-of-leave men throughout the colony by their greater and more ready absorption into private service, it will be unnecessary again to go into that portion of the subject further than to state that I am of opinion that the cost of all these rural depôts has been more than covered by the saving effected from the diminished numbers of ticket-of-leave men Her Majesty's Government have had to feed and clothe, as compared with what would have been the case had no such establishment existed.

14. In support of this view, I can with confidence state that there are at this moment from 180 to 200 men in private service in the remote districts of Victoria and Albany that would have been still on the hands of Government had they not been sent to these localities, as it was nearly impossible that the farmers and others from these remote stations, some 300 miles distant from head quarters, with scarcely a habitation intervening for more than 200 miles, would have visited Perth or Fremantle in search of labour, taking into consideration the time they must be absent from their homes, and the serious expense of transporting labourers so many miles. And if the cost of the support, clothing, and supervision of 180 men even for one year be calculated, I believe the outlay spared to Her Majesty's Government by the absorption of these men into private service, would considerably exceed that incurred in the establishment of these depôts of Albany and Port Gregory, which are the only ones where the ticket-of-leave men cannot be rationed at as cheap as, or at a cheaper rate than at head quarters.

15. It must also be borne in mind that each depôt if enclosed by walls becomes a small prison, as was the case at Guildford, to meet the large number of prisoners so unexpectedly sent from Ireland by ships "Robert Small" and "Phœbe Dunbar," in August, 1853; if, therefore, a similar pressure should arise, and a necessity of sending to this colony a much greater number of

* Page 156 of Papers on "Convict Discipline," presented to Parliament by Her Majesty's command, February 1855.

PART OF THE COLONY
OF
WESTERN AUSTRALIA,
Conduct Prison
Fremantle
3 Road Stations
1 North Fremantle
2 Freshwater Bay
3 Perth
6 Hiring Stations
1 Guildford
2 York
3 Toodyay
1 North Fremantle
4 Freshwater Bay
12 Perth
21 Guildford
72 York
60 Toodyay
101 Bunbury
273 Albany
308 Port Gregory
Lake Salt
Mt Lesueur
Island Point
Long Island
Wedge Island
Moore River
TOODYAY RESIDENCY
BOLCART
BEJOORDING
Rottnest Island
FREMANTLE
YORK
RESIDENCY
MURRAY RESIDENCY
BANNISTER
WELLINGTON
RESIDENCY
GEOGRAPH BAY
SUSSEX RESIDENCY
PLANTAGENET RESIDENCY

prisoners than the prison at Fremantle can accommodate, all these depôts will become available at a comparatively small cost to meet such an emergency.

16. It will be unnecessary, I feel assured, to dwell on the advantages in a moral point of view of the distribution of the men as compared to their concentration, without the power of classification, where convicts of the worst characters may be brought into close contact with those comparatively guiltless.

17. The convict system here has hitherto worked satisfactorily to all in the colony, and also, I trust, somewhat to Her Majesty's Government, but I am obliged to state, in justice to my successor, that if the rural depôt system be abandoned his difficulties will not be few in having to contend with the complaints of a discontented community occasioned by the abandonment of a system that has worked so well for the interests of all, for the adoption of one that would tend to stay any further attempt at a development of the resources of the colony, and in the total cessation of improvement in the general lines of communication throughout the territory.

18. I would, therefore, with some anxiety, request this subject be reconsidered, with the assurance on my part that no effort has been spared to effect all possible economy in carrying out this service.

19. In conclusion, I do myself the honour to transmit a drawing shewing the positions of the various depots, their distance from one another and from head quarters, prepared by the Comptroller General.

20. I beg to crave your indulgence for having trespassed on your patience to such a length, but the success of the working of the penal system in this colony being one in which I have taken a more than common interest, commenced as it was during my administration of this Government, and now, I hope, established on a salutary and reformatory basis, must plead my excuse.

I have, &c.
(Signed) CHARLES FITZGERALD.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

No. 3.

No. 3.

COPY of a DESPATCH from Governor FITZGERALD to the Right Hon. Sir GEORGE GREY, Bart.

(No. 36.) Government House, Perth, March 19, 1855.
(Received 17th July 1855.)
(Answered, No. 9, 25th October 1855, page 216.)

SIR,

I HAVE the honour to forward the enclosed list of the remission of time and passage money to which the convicts from Gibraltar per "Ramillies" are entitled according to the usual scale.

By your Despatch, No. 59, of the 28th of April last, tickets of leave were directed to be issued to these men on their arrival in the colony, but no return of remission for servitude of overtime on public works was received with them.

A return of this nature is always furnished with prisoners forwarded from England, and the omission has probably arisen from their having been sent direct from Gibraltar.

In the absence of any such document, as it is possible that some of these men have been detained in prison for misconduct, I have the honour to request your approval for the remission specified in the lists herewith.

In conclusion, I would remark, it is very desirable instructions should be given that the returns now omitted should be furnished on all future occasions when prisoners are forwarded from Gibraltar or any other penal establishment.

I have, &c.
(Signed) CHARLES FITZGERALD.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

WESTERN AUSTRALIA.

No. 4.

No. 4.

Copy of a DESPATCH from Governor Fitzgerald to the Right Hon. Sir George Grey, Bart.

(No. 57.) Government House, Perth, June 9, 1855.
(Received 6th October 1855.)

Sir,

I have the honour to report the arrival of the convict ship "Stag," on the 24th May, with 225 prisoners and a pensioner guard on board, no deaths having occurred on the passage.

The Comptroller General has reported to me that the surgeon superintendent and master have paid every attention to their respective duties, and that the conduct of the prisoners has been very orderly, and their general appearance and demeanour bear testimony to the zealous and faithful discharge of his duties by the surgeon superintendent, who, by the precautionary measures he adopted on the appearance of small-pox and measles on the passage, prevented the spreading of these infectious diseases.

I would further draw your attention to an irregularity reported by Dr. Caldwell, and which might have been productive of much evil but for the efficient management of this officer. The vessel was without the usual supply of preserved meat and potatoes, so necessary during a long voyage, and a very scanty supply of clothing was put on board, which consequently greatly embarrassed the surgeon superintendent's position.

I have, &c.
(Signed) CHARLES FITZGERALD.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

No. 5.

No. 5.

Copy of a DESPATCH from Governor Fitzgerald to the Right Hon. Sir George Grey, Bart.

(No. 60.) Government House, Perth, June 18, 1855.
(Received 6th October 1855.)
(Answered, No. 14, 26th October 1855, page 216.)

Sir,

In my Despatch, No. 30*, of the 6th of March, 1854, reporting that I had sanctioned, under the advice of a Board convened especially to report on the subject, a considerable reduction in the scale of rations to be issued for the future to the prisoners when removed to the new prison, admitting as it would of greater means of meeting turbulence or insubordination, should such manifest itself, I was of opinion a still greater reduction might, without injury to the health of the men, be made in even the then reduced scale. The men having now been removed to the new prison, and the medical officer in charge of the principal establishment at Fremantle having urged, on more than one occasion, the greater advantage the general health of the prisoners would experience by a further reduced diet, as many, he was of opinion, were suffering from repletion, I directed a Board, consisting of the Principal Medical Officer, Staff Surgeon Galbraith, the Colonial Surgeon, Mr. Ferguson, and Assistant Surgeon, Dr. Jones, of the 99th Regiment, to examine the Comptroller General, the Governor, and Surgeon of the prison, Dr. Rennie, with any other person they saw fit, on this subject, to enable them to entertain the whole question. I do myself the honour to transmit their very satisfactory and painstaking report, recommending the following reduction :—

2 oz. meat
4 oz. bread
4 oz. potatoes } per man per diem.
1 oz. rice

I am happy to say this scale is that now in operation to both prisoners of the Crown and ticket-of-leave men, without creating more than a passing murmur.

I learn from the Deputy Commissary General that the saving effected by this reduced ration, as compared with the former on the present amount of

* Page 119 of Papers on "Convict Discipline," presented to Parliament by Her Majesty's command, February 1855.

issues will not be less than 3,000*l.*, and if to this be added the saving 2,800*l.*, effected by the first reduction, it will save an expenditure of nearly 6,000*l.* a year, supposing the number of men to be rationed continues to amount to 1,200, which I think may be taken as a probable average.

I have, &c.
(Signed) CHARLES FITZGERALD.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

Enclosure in No. 5.

Encl. in No. 5.

PROCEEDINGS of a Board of Medical Officers assembled at Perth, by order of his Excellency the Governor, for the purpose of inquiring into the excess, sufficiency, or inadequacy of the present winter and summer allowance of food issued to the probation convicts, ticket-of-leave holders, and re-convicted prisoners in the convict establishment at Fremantle, reporting whether, in their opinion, the theory advanced by the surgeon to the establishment, Dr. Rennie, "that the amount of disease which has lately "prevailed among the prisoners is attributable in a great measure to over-feeding," is borne out by facts.

President:
Staff-Surgeon Galbraith, M.D., P.M.O.

Members:
J. Ferguson, Esq., Colonial Surgeon.
Dr. Jones, M.D., Assistant Surgeon, 99th Regt.

The Board having assembled, agreeable to order, on the 3rd of May, 1855, proceeded to read over the following documents which were laid before them, viz.:—1st. Half-yearly report of the Surgeon of the Convict Establishment for the period ending 31st December, 1854. 2nd. Letter of Principal Medical Officer, dated 25th April, addressed to the Honourable the Comptroller General, forwarding the surgeon's half-yearly report, and commenting thereon. 3rd. Letter, dated 27th April, 1855, from the superintendent of the Convict Establishment to the Honourable the Comptroller General, forwarding to him and commenting on copy of a letter, dated 25th April, 1855, from the surgeon, relative to the diseases of some men, proposed to be sent to Freshwater Bay. 4th. Letter from the Superintendent, dated 28th April, 1855, forwarding to the Honourable the Comptroller General copy of a letter addressed to him by the surgeon, relative to the resumption of the winter allowance of two ounces extra meat, and commenting thereon. 5th. Letter from Superintendent, dated 29th April, 1855, addressed to the Honourable the Comptroller General, forwarding to him and commenting upon copy of a letter of the surgeon, dated 28th April, and certificate same date, relative to the non-resumption of the 2 oz. extra meat at Freshwater Bay depôt.

The Board considering it advisable, on account of the voluminous nature of the above documents, that the members should have an opportunity of perusing them at their own residences, adjourned.

May 5.—The Board having re-assembled, proceeded again to read over and consider the documents already referred to. Some doubts arising in the minds of the members regarding the construction to be put upon a portion of their letter of instructions, the President wrote to the Honourable the Colonial Secretary requesting to be informed if his Excellency the Governor desired the Board to inquire into and report upon the question of the diet of the prisoners generally, independently of any effect it may have had in causing the diseases which have prevailed among them, and to fix such scale of diet as they may deem advisable, or whether they are to confine their report as regards the diet to the alleged connexion between it and the diseases from which the prisoners have suffered. A reply was received from the Honourable the Colonial Secretary intimating that it was his Excellency's wish that the Board should make a complete report on the question of the prison diet, in order to settle the question on medical grounds.

The Board adjourned.

May 8.—Drs. Galbraith and Jones proceeded to Fremantle to visit the convict establishment. They first visited the cook house, and inspected the prisoner's dinners, which consisted of baked meat and potatoes. The meat, which was chiefly beef, was of unexceptionable quality. They caused the following messes to be weighed:—

	Weighed with bone. lbs.	oz.	Without bone. lbs.	oz.
No. 1, for 6 probationary prisoners	3	11	2	11
„ 2 „ 4 „	2	7	1	15
„ 3 „ 6 „	3	2	2	8
16	9	4	7	2

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giving an average each man of $9\frac{1}{4}$ oz. cooked meat with bone, and $7\frac{1}{8}$ oz. without bone, the allowance of uncooked meat with bone being 14 oz. per man.

		Weighed with bone. lbs.	oz.	Without bone. lbs.	oz.
No. 1, for 5 re-convicted prisoners		2	4	1	12
„ 2 „ 6	„	2	11	2	2
„ 3 „ 6	„	2	8	2	0
17		7	7	5	14

giving the average 7 oz. with bone, $5\frac{9}{17}$ oz. without bone, the allowance of uncooked meat for a re-convicted prisoner being 10 ozs.

The following messes of baked potatoes were also weighed:—

	With gravy. lbs.	oz.	Without gravy. lbs.	oz.
1 for 6 men	5	15	4	10
2 „ 6 „	6	1	4	6
3 „ 6 „	5	6	4	8
18	17	6	13	8

making the average allowance of potatoes per man $15\frac{4}{9}$ oz. with gravy, and 12 oz. without.

The allowance of uncooked potatoes is 16 oz. per man for both probation and re-convicted prisoners. They had been peeled before cooking.

The Board next visited the bakehouse, and inspected the bread, which had been baked the previous day. They found it to be indifferently baked, being heavy and sour, and consequently indigestible.

They next visited the hospital, in which they found 34 patients. The principal diseases were ophthalmia and dysentery, distributed amongst the different classes of prisoners as follows:—

	Probation prisoners.	Re-convicted.	Ticket-of-leave.
Ophthalmia	3	6	9
Dysentery	5	2	1

The Surgeon stated to the Board that on this day there were under treatment out of hospital, chiefly for cutaneous disease or indigestion, 18 re-convicted and 10 probation prisoners.

There were in the convict establishment on this day 182 probation prisoners, 142 re-convicted, 13 ticket-of-leave, including the sick in hospital.

The Board saw the prisoners, and visited their wards during supper.

The prisoners appeared to be of average appearance as regards healthy looks, little or no difference being perceptible between the probation and re-convicted class.

It was found, as regards the distribution of their bread for different meals, that some of the men had already eaten the whole of the allowance for the day, and had none left for their supper.

Dr. Jones visited the warders 11 p.m., when the men were in bed, and found them very well ventilated and free from any offensive effluvia, especially those wards in which were the probation prisoners.

May 9.—The Board re-assembled at Perth, where the notes taken of proceedings at Fremantle were read over for Mr. Ferguson's information.

The Board adjourned.

May 10.—Drs. Galbraith and Ferguson proceeded this day to Fremantle, and visited the convict establishment.

In the hospital they found 41 patients, of whom were affected with ophthalmia and dysentery as follows:—

	Probation prisoners.	Re-convicted.	Ticket-of-leave.
Ophthalmia	3	5	9
Dysentery	6	4	1

The Board then visited the cook house, and inspected the prisoners' dinners, which this day consisted of beef and potatoes boiled, the latter in the peel. They had the following messes of meat weighed;—

		With bone. lbs.	oz.	Without bone. lbs.	oz.
No. 1, for 6 probation prisoners		3	$9\frac{1}{2}$	3	1
„ 2 „ 6	„	3	$10\frac{1}{2}$	3	1
„ 3 „ 4	„	2	10	1	$12\frac{1}{2}$
16		9	14	7	$14\frac{1}{2}$

which gives the average for a probation prisoner on this day of $9\frac{7}{8}$ oz. with bone, and $7\frac{7}{8}$ oz. without bone:

	With bone. lbs.	oz.	Without bone. lbs.	oz.
No. 1, for 5 re-convicted	2	6	1	12
„ 2 „ 7 „	3	$4\frac{1}{2}$	2	7
„ 3 „ 4 „	1	14	1	10
16	7	$8\frac{1}{2}$	5	13

The average for a re-convicted prisoner being $7\frac{1}{2}$ oz. with bone, and $5\frac{13}{16}$ oz. without.

They also caused the following messes of potatoes to be weighed:—

	lbs.	oz.
No. 1, for 6 men	5	12
„ 2 „ 4 „	3	11
„ 3 „ 7 „	6	13
„ 4 „ 5 „	4	13
22	21	1

the result being that the potatoes boiled in the skin had lost about 1 oz. in 16.

The Board having next inspected the bakehouse, the bread baked on the previous day, found it again of indifferent quality, being heavy and sour. The bakers attributed the inferior quality of the bread to bad flour; but the Board having examined the flour, and finding it perfectly sweet and good in taste, are of opinion that the fault lies either in the yeast or in the process of baking.

The Board then proceeded to examine Mr. Dixon, the superintendent of the convict establishment, who states as follows:—

"There would be no objection to the probation and re-convicted prisoners having the "same scale of diet in the new gaol. The men in the Pentonville prison in separate con-"finement, whom Colonel Jebb, in his report for 1850, states to require a diet liberal in "amount and nutritious in quality, are employed in sedentary employment. In the new "prison about 8 per cent. of the prisoners will be at sedentary employment; the re-"mainder will be employed on the public works. Re-convicted men are expected to "perform at least as much work as probation prisoners, and they carry in addition irons, "the average weight of which is 8 lbs. In the new gaol it is proposed to cook the dinners "by baking and boiling. It is probable that to the men in the cells (240 in number) cold "meat cooked the previous day and cut up may have to be issued. At present the diet is "varied by baking, boiling, stewing, &c. The men generally like soup, because, as they "say, it fills them up. I advocate variety in the diet, and it would be possible, in parti-"cular, to vary the vegetables.

"I find, by a most careful investigation of the returns which I have made, that the "sawyers and blacksmiths have lost, in the months of October, November, and December, "1854, fewer days by sickness than the general body of the prisoners in the proportion of "1 to 5.

"All men in prisons at home get treacle and oatmeal, substances of a laxative nature. "I would suggest that, as a matter of discipline, men re-convicted for short periods might "advantageously be put on a low diet."

Dr. Rennie, being then examined, states:—

"My impression is that a larger number of the sawyers and blacksmiths have reported "themselves sick (proportionally) than the general body of the prisoners, but it is difficult "to furnish statistical details owing to the men being frequently changed."

May 11.—The Board re-assembled at Perth. The foregoing notes of proceedings at Fremantle were read over for the information of Dr. Jones.

The Board adjourned.

May 12.—The Board having re-assembled,. a communication from Dr. Rennie (No. 6) relative to the number of sawyers and blacksmiths who have required treatment since 15th March, was read over.

The Board having now given their most deliberate attention to the statements contained in the different documents which have been laid before them, and having most carefully investigated, both in their sittings at Perth and in their visits to the convict establishment, Fremantle, all the points bearing upon the questions submitted for their decision, are of opinion,

1st. That the theory of Dr. Rennie, surgeon of the convict establishment, that the amount of disease which has lately prevailed among the prisoners is attributable altogether to overfeeding, is not borne out by facts.

2nd. Ophthalmia and dysentery being at certain seasons of the year common diseases of this colony, the Board are of opinion that their greater prevalence, and the aggravated form of ophthalmia among the prisoners, are attributable to their occurring in men whose constitutions have been more or less impaired by long confinement in prison and by previous irregularity of life.

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3. That the hard labour party, as a body, have not enjoyed better health, a fact which is admitted by the surgeon in his half yearly report (vide page 87).

4. The Board have been unable to obtain any evidence to prove that the sawyers and blacksmiths have suffered more from disease than the general body of the prisoners.

5. Although the Board cannot recognize the correctness of the surgeon's theory of overfeeding being the sole cause of the greater prevalence of disease among the prisoners, they consider that the present diet of a probation prisoner is more than is requisite for maintaining him in good health, and they admit that in men with constitutions impaired by previous habits and mode of life, a large diet may give rise to disordered digestion and its consequences.

6 The Board on both occasions of their visiting the convict establishment having found the bread which is issued to the prisoners of very indifferent quality, being heavy and sour, which they attribute not to any inferior quality of the flour, but to some error in its mode of baking, and looking to the large proportion of the diet which the bread constitutes, are of opinion that much of the disordered digestion which is shown by the surgeon's report as so common among the prisoners, may be imputed more to the indifferent quality of that article than to any excess in the bulk of the diet.

7. The Board therefore recommend that all possible care be taken to prepare a better quality of bread; also that the surgeon be directed daily to inspect it in conjunction with the other officers, on whom that duty now devolves.

8. The Board having carefully inspected the whole of the convict establishment, are of opinion that no local causes exist to account for greater prevalence of disease among the prisoners.

9. They beg to direct attention to the propriety of providing conveniences for baths, so as to admit of the prisoners frequently performing ablution of the whole body—a very essential requisite for health generally, and for the prevention of skin disease in particular, in a warm climate.

10. The Board considering that probation and re-convicted prisoners are required to perform the same amount of labour, recommend that the diet of the two classes be assimilated as to quantity.

11. The following is the scale of diet which, on medical grounds, they recommend for probation and re-convicted prisoners and ticket-of-leave holders, during both the summer and winter months, viz.:—

Breakfast.	Dinner.	Supper.
10 oz. of bread - -	14 oz. of meat - -	8 oz. of bread
1 pint tea sweetened with sugar	4 oz. bread - -	1 pint tea sweetened with sugar
1 oz. treacle - - -	12 oz. potatoes - -	1 oz. treacle.

Note.—Staff-surgeon Galbraith considering that a liberal allowance of vegetables is necessary for maintaining the health of the prisoners, and looking to the fact of the supply not having been always such as to admit of a continuous daily issue of them, is of opinion that the allowance of potatoes should not be less than what is at present given, viz., 16 oz. per man.

The allowance of tea, sugar, salt, and pepper, to be as heretofore.

The equivalents of other vegetables in lieu of potatoes, 12 (twelve ounces) to be—pumpkins 24 (twenty four); turnips 18 (eighteen); cabbage 18 (eighteen).

12. The Board recommended variety whenever practicable in the vegetables, and particularly when the potatoes are of inferior quality.

Note.—When potatoes are not to be obtained, or are of bad quality, Dr. Jones is of opinion that suet puddings should be issued, the same as in the Portland prison scale, Drs. Galbraith and Ferguson, being of opinion that suet puddings are articles of diet very difficult of digestion, do not recommend their use.

13. As to the mode of cooking the dinner, the Board recommend as much variety as possible, and that soup should be in use not oftener than twice a week.

When soup is made, 1 oz. of rice, barley, or oatmeal to be allowed for thickening it; and the Board recommend that on soup days, other vegetables such as pumpkins, cabbages, turnips, &c. be made use of.

14. To prevent the prisoners from eating at one meal a greater quantity of bread than is fixed by the foregoing scale, a practice which (in excess) the Board considers to be hurtful, they recommend that the bread be issued for each meal only in the quantities there prescribed.

15. The Board recommend, on account of its laxative property, the occasional issue of bread made with a proportion of bran.

13. The Board recommend the discontinuance, when the men are removed to the new prison, of the present beverage of tea, and that occasional issues of vegetables, acids, and lime juice and vinegar be made, and particularly during the summer months.

(Signed) George T. Galbraith, M.D.
Staff Surgeon, P.M.O., President.

J. Ferguson, Colonial Surgeon.
H. H. Jones, M.D.
Assistant Surgeon, 99th Regt. } Members.

No. 6.

No. 6.

Extract of a DESPATCH from Governor Fitzgerald to the Right Hon. Sir George Grey, Bart.

(No 61.) Government House Perth, June 18, 1855.
(Received October 6, 1855.)
(Answered, No. 1, January 1, 1856, Page 220.)

"I have the honour to transmit copies of the Ordinances passed at the last Session of the Legislative Council of this colony, with such remarks in explanation as seem to me necessary.

"No. 1. An Ordinance to regulate the forms to be observed by pardoned convicts prior to their leaving the colony.

"An evil existed of ticket-of-leave men obtaining conditional pardon from those to whom they were granted, and leaving the colony by such means; as previously to the passing of this Ordinance no power existed to compel a conditional-pardon man to produce his pardon before embarkation, which is now given, and will thus prevent the unlawful transfer of such pardons, and moreover, be a check upon conditional-pardon men surreptitiously leaving the colony in debt, or deserting their wives and families, who then become a burthen on the community."

Enclosure in No. 6.

Encl. 1 in No. 6.

An Ordinance to regulate the Forms to be observed by Pardoned Convicts prior to their leaving the Colony.

Whereas it is expedient that no pardoned convict should leave the colony of Western Australia without first showing his pardon to some proper officer, to be by such officer compared with the description and indorsed, so that pardons may never be transferred: And whereas great inconvenience may arise from unpardoned convicts leaving the colony under false pretence of having obtained their conditional pardons: Be it therefore enacted, by his Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that every person professing to be a pardoned convict, before embarking on board any vessel about to sail either from Fremantle or any other port or part of the coast of the said colony, shall produce his pardon to the resident magistrate or the superintendent of water police at or nearest to the place of embarkation: And provided such magistrate or superintendent be duly satisfied concerning the pardon and the description of the person, and other matters at his discretion, he shall indorse the same, and such indorsement shall be sufficient authority for such pardoned convict to embark on board any vessel about to leave the colony.

II. That every pardoned convict who shall be found on board any ship or vessel with intent to leave the colony, and who shall not have his pardon so indorsed as herein directed, shall be taken before a justice of the peace, and, on conviction thereof before any such justice, fined a sum not exceeding ten pounds, or be imprisoned for any period not exceeding six calendar months, with or without hard labour, at the discretion of the convicting justice.

III. That the Sections A, B, and F of the Shortening Ordinance, 1853, shall be, and the same are hereby incorporated with this Ordinance.

Charles Fitzgerald,
Governor and Commander-in-Chief.

Passed the Legislative Council this 12th day of April 1855. }
A. O'Grady Lefoy, Clerk of the Council.

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No. 7.

No. 7.

Copy of a DESPATCH from Governor FitzGerald to the Right Hon. Sir George Grey.

(No. 62.) Government House, Perth, June 19, 1855.

(Received October 6, 1855.)

(Answered, No. 7, Feb. 5, 1856, Page 224.)

Sir,

I have the honour to report that one wing of the new permanent prison was completed to such an extent on the 1st June inst. as admitted all the prisoners being removed thereto from the premises of Mr. Scott, hitherto occupied as a provisional prison, at a rent of 250*l.* a year.

2. In making this statement, so satisfactory as regards the increased facility given for the better maintenance of order and discipline in the new prison, as compared with that offered in the provisional one, I regret it is not in my power to report that I have also been able to surrender Mr. Scott's premises, and thus save to Her Majesty's Government the rent hitherto paid to that gentleman; but so extremely limited have been the numbers of prisoners of the Crown available for public labour in this colony during the last eighteen months, that it is but an act of justice to the Comptroller General and the Royal Engineer Department to assure you that it has only been with great exertion the prison for the men has been got ready, leaving the hospital and numerous buildings for housing the officers, and other necessary accommodation, yet to be completed. I have, therefore, been under the necessity, with the advice of the Finance Board, of again leasing Mr. Scott's premises at an increased rent of 150*l.* a year, which I do not think unreasonable, looking at the increased value of property now as as compared with the year 1851, when the premises were originally occupied. This increase makes a total of 400*l.* for one or three years, as the necessity of the case may demand, which must entirely be governed by the supply of prisoners Her Majesty's Government think fit to send to this colony, as I have been assured by the Comptroller General that if the prisoners be kept up to 800 or 900 men, he is sanguine of being able to surrender Mr. Scott's premises at the close of one year, but, if left to their present strength, it will of course take a much longer period. I would, therefore, strongly and anxiously urge upon you the despatch of two more convict ships, with not less than 300 prisoners in each, to this colony with as little delay as possible.

3. I now proceed to detail the accommodation absolutely required and afforded by the leasing of Mr. Scott's premises, and which, it was calculated, would not be obtained at a less cost than that now being paid in any part of the town of Fremantle, and without the conveniences afforded by Mr. Scott's premises, from their having been already occupied as a prison for five years.

Convict Service.

The deputy superintendent's quarters to be occupied by himself.

The superintendent's quarters to be occupied by the chaplain.

The garden for prison use.

The various offices and rooms in different parts of the premises offering sufficient accommodation for fourteen wardens.

The hospital to continue, as at present, within the premises.

Pensioner Force.

The pensioners and their families at present in hired quarters to occupy one ward and half of another, which is to be divided off temporarily. To distribute warmth throughout the wards a Canadian stove and piping will be fixed in centre of each, if necessary. The pensioner force will have the entire use of a kitchen, and the centre of a yard for drying their clothes.

Commissariat.

The stabling to continue at present.

The outer building and half the next, being one ward and half another, are left unoccupied in possession of the Commissariat, independently of the association ward to be converted into a barrack store; and the small rooms in the court yard might be occupied by the barrack sergeant.

4. It becomes further necessary for me to state that by the above arrangement lodgings are provided for various officers who hitherto received a pecuniary allowance in lieu; also rents are saved for premises hitherto hired for convict purposes, as follows:—

	£
Chaplain's lodging allowance	50
One chief warder's do.	20
Twelve warders at 13*l.* each do.	156
Rent of barrack store	20
Do. pensioner's barracks	50
Making a total of	£296

which being deducted from the rent of the premises would leave an actual increased outlay of only 104*l.*, which is covered by quarters to deputy superintendent at 50*l.*; stables for commissariat horses, which could not be obtained for less than 120*l.* a year, showing a positive saving of 66*l.* a year by continuing to rent these premises, to which have been added the advantages arising from the use of the garden and the hospital, which latter could not be hired at less than 60*l.* a year, if procurable at all.

5. I therefore trust, under all these circumstances, this arrangement will meet with your approval.

I have, &c.
(Signed) CHARLES FITZGERALD.

The Right Hon. Sir George Grey, Bart.,
&c. &c. &c.

No. 8.

No. 8.

Copy of a DESPATCH from Governor FitzGerald to the Right Hon. Sir George Grey, Bart.

(No. 66.) Government House, Perth, June 28, 1855.
(Received October 6, 1855.)

Sir,

I do myself the honour to transmit a very satisfactory and interesting report furnished by the Comptroller General in obedience to instructions received by him on that behalf. This report, you will gather, embraces not only the construction of a breakwater, which will render Gage's Roads a secure and commodious anchorage for any number of vessels not drawing more than twenty feet of water, but also for improving the navigable capacity of the river by removing the obstruction at its entrance by blasting, and by confining the embankments by sheet piling from its mouth to Rocky Bay, a distance of 2½ miles, beyond which to the town of Perth there is a general depth of 16 feet water. Both undertakings, if successful (which I see little cause to doubt), will be of incalculable advantage to the commercial interests, and to the whole colony, and notwithstanding the cost to the local Government appears large as regards its limited resources, yet when it is borne in mind that it will extend over a period of seven years, I see nothing unreasonable in devoting 2,000*l.* a year during that period for so important and useful, and, I may say, national an undertaking, as regards the colony. This is also the view, I am happy to think, of the Legislative Council, on submitting the matter for their consideration during the last session.

2. I transmit also the plans and specifications, and, before my departure, both as the Governor and a naval officer, strongly recommend the project for your approval, as a most useful means of employing the prison labour of the Crown for years to come, when the prison and other buildings connected therewith are completed.

3. It will, I feel, be unnecessary to trouble you with any further observations in support of this measure, so fully has Captain Henderson gone into the necessary detail.

I have, &c.
(Signed) CHARLES FITZGERALD.

Right Hon. Sir George Grey, Bart.,
&c. &c. &c.

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Encl. in No. 8.

Enclosure in No. 8.

Comptroller-General's Office, Fremantle,
November 6, 1854.

SIR,

As the period is approaching when the labour of the convicts in the Fremantle prison, which has hitherto been devoted to its construction, will be at the disposal of the Governor for such works of public utility and convenience as may appear most beneficial to the colony, I have the honour to report, in obedience to my instructions, for his Excellency's information, "the best means which appears to me for their employment in the "improvement of the harbour, the removal of the obstacles from the navigation of the "river, and in the construction of roads."

The want of a safe and commodious harbour at or near Fremantle, and the obstacles to the navigation of the river Swan for about two miles above its mouth, are so well known, and have been so frequently discussed, that any detailed remarks from me on the serious hinderance to the trade and prosperity of the colony arising from these causes, would appear superfluous, but thus much I may say, that to obtain a safe and commodious harbour and secure navigation of the river by vessels of considerable tonnage, is an attempt, if undertaken with a fair prospect of success, and providing the expenses reasonably chargeable to the colony, can be brought within its reach in its present condition, well worth the cost, whatever sacrifice the colony may have to make to secure such important results.

I shall now proceed to detail, for his Excellency's consideration, the views I have been led to form on the three methods of obtaining the desired object of a safe harbour and secure navigation of the river, and which may be classed as follows :—

1st. To cut a ship canal through the neck of land between Rocky Bay, 2½ miles from the mouth of the river, and the sea, and form a navigable channel for ships to enter the river at that point, from whence to Mount Eliza, at the extremity of the townsite of Perth, there is sufficient water for ships of the largest class.

2ndly. To move the rocky bar at the mouth of the river Swan, and deepen the channel as far as Rocky Bay.

3dly. To project a breakwater from Arthur's Head into Gage's Roads.

As regards the first project, viz., cutting a ship canal from the ocean to Rocky Bay, the objections are so obvious and the difficulties and expenses appear so great, even on cursory examination, that in selecting the site of the permanent prison, I, without difficulty, rejected any idea of recommending his Excellency to place it contiguous to the position of the proposed canal.

I have the honour to submit a rough section which I made previous to selecting the site of the permanent prison.

The length of the neck of land at the proposed point is about one third of a mile, the height at Rocky Bay is 34 feet 3 inches.

The average height of the section above high water mark is 24 feet.

Below this line all excavations must be in water, which exists, I believe, everywhere at that level.

A steam engine would therefore be indispensable to keep the excavations clear of water.

To give a channel 24 feet deep and 150 feet wide, the minimum depth, to allow for a certain amount of swell, would give an excavation of $600 \times 8 \times 50 = 240{,}000$, which, supposing the material to be rock, would take 400 men 600 days to remove, allowing one yard as an average for casualties.

There is, however, much reason to apprehend that a portion of the excavation might be quicksand, which would require to be sheet piled.

The main difficulty remains after reaching high water mark, from whence the beach runs out somewhat, as shown on the section, for nearly 200 yards into the sea, with no great depth of water on it, and then deepens suddenly.

There is a constant surf on this beach, which is entirely open, and an excavation of the depth and size required could only be made at immense cost, even supposing it to be practicable.

Supposing the canal to be cut, no ship could enter it, except in calm or moderate weather, and by the aid of steam, and would afford no protection to a vessel making the port in heavy weather.

It has been, I believe, proposed to protect the mouth of the canal by a breakwater; but presuming a breakwater to be feasible at that point, the necessity for the immense additional expense of a canal is not obvious.

I think the project offers no prospect of success, and an attempt to alter the natural outlet of the river is altogether too hazardous, and would probably result in the destruction of both the natural and the artificial channels.

The second method, viz., the removal of the rocky bar at the mouth of the river, and the improvement of the channel of the same as far as Rocky Bay, has been repeatedly discussed by his Excellency and myself, and during my period of service in the colony I have constantly considered this important subject, on which I venture to make the following remarks for the Governor's consideration.

The formation of sand bars and banks at and near the mouth of the river, is evidently owing to the quieting action of the tidal waters and of the breakers on the coast meeting the outward current of the river and causing a deposit.

There is a constant tendency to force sand, silt, &c. outwards to the sea, consequent on the ebb current being, of course, much stronger than the flood, the former being composed of the tidal waters which come up with the flood, together with the water forced back during the flood and the ordinary river water flowing out during the ebb; and it would appear that the strength of the tide upwards does not extend further than Rocky Bay sufficiently to choke the channel above that point.

The tendency to form a deposit is greatly increased by the widening and contraction of the river banks in different portions of its course below Rocky Bay.

This tendency, it is believed, will, unless artificial means are resorted to, entirely choke the estuary with deposit.

It is, I believe, an indisputable fact, that from the action of breakers along the coast, combined with the loss of velocity of the river waters seaward depositing the detritus, they can no longer transport or push onwards; estuaries, as a whole, are everywhere filling up, and I think the estuary of the Swan forms no exception; in fact, even now at low tides there is not a foot of water in the flats between Ferry Point and North Fremantle Jetty.

The variable conditions existing in estuaries and the complicated effects of the causes in action render it very difficult to predict the effect of any changes made with a view to improve the navigation, and a very small cause may in such operations produce important modifications and alterations.

I conceive that a judicious arrangement of embankments, so that an improved general course may be obtained for the waters, and a main channel formed, provided the entrance of effective tidal waters is not prevented, offers the best prospect of obtaining the desired result of a constantly navigable channel.

I believe continual embankments will be indispensable; for though piers or groins might be run out for the purpose of confining the waters in one channel through which the ebb current with its back-ponded waters would pass with great violence, and thereby scoop a deep passage, yet deposits would form in the eddies and still waters between the piers, which would tend to produce shoals in the bed of the main channel; in fact, the deposit in these shallows between the piers would have a constant tendency to draw down to the middle of the river, which would rapidly increase as the channel was scooped out by the confined waters.

The accompanying plan shows the general direction of the channel I propose to form, and which assumes as much as possible the direction of the natural deep channel.

A considerable portion of this embankment may be formed of stone, in those portions where stone exists on the bank of the river, and can be placed on a rocky foundation or in places where from the general direction it will not be exposed to the wearing action of the current.

In other portions and at the bends of the channels, I would propose to sheet pile with planks 12 inches by 6, and reclaim the land from the river, as shown on the plan.

Accurate sections of the river, as far as Rocky Bay, for this purpose have been carefully made.

I have the honour to enclose a rough estimate of the probable cost to the colony of the proposed embankments, which would, of course, be spread over a series of years.

The main difficulty in this scheme occurs at the mouth of the river where a rocky bar exists, through which there is at present a channel varying from 100 to 150 feet wide, and from six feet deep at highest water to four feet six inches at lowest tides in the shoalest parts.

Inside the bar the channel turns somewhat abruptly, and both inside and outside the bar there is a great tendency to the formation of sandbanks.

The existence of the rocky bar at the mouths of the river and the constant agitation of the water upon it, conjoined with the strength of the current, both ebb and flow has hitherto prevented the formation of a sand bar across the mouth of the River Swan, in which respect it stands, I believe, alone, among Australian rivers, and I think the removal of the bar would be at once followed by results similar to those prevailing elsewhere under similar circumstances.

I consider the only safe plan will be to deepen the existing channel, and even this should be done with great caution.

Inside the bar the rock is almost immediately below the surface of the bottom of the channel and can be blasted away. The channel at the mouth of the river should be confined by embankments to a greater extent than about the line shown on the plan No. 1, to avoid checking the influx of the tidal waters, and also because a large quantity of seaweed washes in and out during the winter, which, if confined to the channel would have a tendency to choke it.

The blasting of a channel through the bar, however, and the confinement of the waters in one channel may be expected to increase the rush of the ebb current, and to clear away a portion of the interior sand bar, under any circumstances no operation should be attempted on the bar until a navigable channel has been secured above. The extent which will require to be blasted will be a channel from 400 to 500 yards, by an average width of 30 yards, and an average depth of 4 yards, giving an extent of 100,000 cubic yards, all of which must be removed by submarine blasting, and the expense of powder will probably be not less than 1*s.* per yard, including the expenses of enclosing it from the action of the water.

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A voltaic battery will be probably more economical than patent fuze, but the expenses will not be less than 1,800*l.* under the most favourable circumstances, and should the plan I propose be attended with full success I am not of opinion that a greater depth of water than 12 feet can be calculated as likely to be gained from the sea to Rocky Bay. This would admit vessels of about 150 tons, but no vessel could attempt the entrance in heavy weather, nor would it even be considered a perfectly safe entrance except with both wind and tide in favour, for the former is always liable to baffle under the lee of Arthur's Head, and with the current setting out a vessel runs the chance of going ashore.

For the greater portion of the year, however, with proper care and skill, and (with the exception of the heavy weather) at all seasons by the aid of steam, vessels of 150 tons would proceed direct to Perth from sea.

I think that so much of this project as relates to deepening the channel of the river offers great hopes of success, and even supposing the passage of the bar for the large vessels be found impracticable, which I scarcely anticipate, it is indispensable, in order to maintain water communication between the port and the capital that some means should be adopted for the improvement of the present channel of the river.

His Excellency will gather that I do not believe that the great desideratum of a safe and commodious port for vessels of all sizes and available in all weathers can be obtained by making an entrance into the river either at Rocky Bay or by the natural channel of the river.

To obtain this object, the project originally mooted by his Excellency, and chiefly with a view to which the principal prison was placed at Fremantle, remains to be considered,—by a breakwater projecting from Arthur's Head into Gage's Roads.

I have the honour to submit the plan and section of a breakwater, which I am of opinion can be carried out from Arthur's Head with success and security.

On this plan I have delineated the general form I should propose to give the breakwater which would shelter an area of 38 acres from every heavy wind and sea prevailing on this coast, the former being from N.E. to W., and the latter from N. to W.

In the summer months there is neither sea nor wind to endanger a vessel in any way, and the proposed breakwater would allow sufficient space for sixty vessels to discharge their cargoes alongside. The length of the breakwater I propose is 880 yards into 20 feet water.

I propose to form the breakwater by driving piles 12 inches square and 8 feet from centre to centre, braced together by longitudinal and transverse ties about low water mark and at the top, and to fill the interior with blocks of hard surface limestone.

I have provided for a transverse row of piles every 100 feet, to protect the work as it advances.

I should propose to obtain the requisite timber from the Kelmscott Hills, where the piles could be cut by a party of convicts or ticket-of leave men, and the only expense entailed on the Colonial Government would be their transport from thence to the flats of the Canning, and, with some such arrangements, I conceive the cost per pile is fully covered at an estimated expense to the colony of (10*s.*) ten shillings per pile.

The requisite quantity of surface limestone can be obtained principally on the Government reserve near the Town Quarry, which, except the centre position, should be at once closed to the public.

It is extremely solid and compact for a depth of from 3 to 4 feet below the surface, after which it becomes very sandy, and it consequently cannot be obtained in blocks sufficiently hard to resist the action of the water without the security afforded by the piles.

In the estimate for obtaining the stone, I have allowed one shilling per yard for powder, &c., which may seem a large sum, but as the stone must be selected there will be much refuse.

All the refuse from the quarries may be carried by rail to the river side, and deposited on those portions which it is proposed to reclaim, and which would become valuable town lots.

The slope, shown on the section at which I should propose to drive the piles, is $22\frac{1}{2}°$, being about the natural slope which the stones would take when dropped into the water, reducing the strain on the piles and braces theoretically to nil, but the more upright they can be driven consistent with security the better.

It has been given in evidence by eminent engineers, that a perfectly upright face to a breakwater, providing it is solid and will not break away by the action of the sea, is the best form, inasmuch as the waves would have less range upwards by that than by any other means.

Slopes of two or three to one, especially if any but the hardest stones, knock to pieces very fast, and a sea would run over a breakwater twenty feet higher than the level of the water in a sea which would not rise above six or seven feet on an upright face; and the breakwater would receive a less shock than a sloping one, there being so much water to go against it.

I entertain no apprehension as to the durability of the timber, for the javial wood of this colony will, if carefully cut, last I believe as long as the stone; it is impervious to the teredo navalis, and can always be replaced at small cost.

The stone must be selected, especially for the outer portions of the work, of a sufficient size, and as the surface limestone hardens by exposure or immersion, there can be no

doubt of its stability, especially if the piles are driven as in the case of jetty now in progress at Anglesea Point, at least six feet into the rocky bottom.

The proposed direction of the breakwater would leave the mouth of the river sufficiently open to the action of the wind and tide, which I consider indispensable to its remaining open.

I do not consider that from the upright form of the breakwater there would be a tendency to accumulate sand or drift to any extent along it, in fact the amount of sand (being mostly bound by seaweed kept in motion by the water is not, I conceive, great, and as there is no shelving surface on which sand weed can be deposited, the danger is almost obviated, as the form of the breakwater will have a tendency to keep a small degree of motion in the water preventing the deposit of sand.

It may, however, be expedient to leave one or two openings in the breakwater to create currents which would act as sluices, and afford a passage for small vessels and boats.

The transverse ties are proposed at about low water mark, and in executing the work when the stones reach that height they should be carefully levelled up and left to settle for some time, any settlement to be filled in, and the superstructure packed, first large stones, then smaller ones, and finally macadam concrete with lime and smith's ashes.

The whole cost to the colony, as estimated, will be 14,157*l.* including a sum of 2,100*l.* for the keep of six horses for five years.

It will probably be more economical to have a small locomotive engine.

If the expenditure were spread over a series of seven years, an annual grant of 2,000*l.* would be sufficient.

For the length of rail which will be required for this service it will be almost indispensable to have iron rails, both as saving an immense amount of time and labour, and as saving the horses.

The friction on wooden rails is so great as to render them most inapplicable to such works.

I have not enclosed a separate estimate for carrying a roadway along the bottom of the harbour, this, as well as the question of moorings and lights, would be a subject for detailed estimates.

Nor have I made any plan or estimate for a dock, for which there is not sufficient rise and fall of tide without a steam engine.

I do not know that it is necessary to estimate for a lighthouse at the head, as the position of the breakwater can be defined by lanterns, such as are in use on the Madras coast, with dioptic reflectors elevated on flagstaff.

I have, &c.
(Signed) E. Y. W. Henderson,
Comptroller General.

Approximate Estimate of cost of confining the Waters of the River Swan in a channel about 220 yards wide, from the Mouth to Rocky Bay.

		£
20,000 feet sheet piling, each pile 20′ × 12″ × 6″ — 10 cubic feet 4,000 loads	at 15*s.*	3,000
20,000 feet longitudinal tie; 250 loads	at 10*s.*	120
4 pile engines	at 50*l.*	200
3 boats	at 20*l.*	60
2 flats		100
Rope		100
3,000 yards stone embankment 9′ × 6′ — 18,000 cubic yards	at 1*s.*	900
½ mile iron rails, per mile	at 600*l.*	300
5 railway trucks		100
5 brabs		75
Nails		100
		£5,060
Contingencies 1–10th		506
Total		£5,566

Fuze and powder for blasting a channel through the bar, 500 yards long 30 yards wide and 2 yards deep; 30,000 cubic yards - - - - at 1*s.* £1,500

(Signed) E. Y. W. Henderson,
Comptroller General.

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APPROXIMATE ESTIMATE of Cost of a Breakwater, 880 yards long and 30 feet wide at top, from Arthur's Head into 20 feet water.

		£
2,500 piles	each at 15*s.*	1,875
Average section of stonework:— 10 × 5 × 880 = 44,000; 3 × 5 × 880 = 13,200	57,200 cubic yards at 1*s.*	2,860
1,760 ties	each at 10*s.*	880
5,300 feet longitudinal ties = 100 loads	at 10*s.*	50
3,520 yards iron rails	per mile 600*l.*	1,200
Hoops and shoes for piles, 2,700	at 10*s.*	1,350
10 railway trucks		200
4 pile engines, with anchors and gear	at 50*l.*	200
10 brabs	at 15*l.*	150
4 boats	at 20*l.*	80
Rope		350
Scaffolding		250
Purchase of 6 horses	at 50*l.*	300
Keep of ditto 5 years,	each at 70*l.*	2,100
1,000 cubic yards of parapet wall		250
Iron for bolts and nuts, &c., and coal for working ditto		500
Capsil 5,300 feet = 150 loads	at 10*s.*	75
Nails, spikes, &c.		100
2 flats for transport		100
		£12,870
Contingencies, 1–10th		1,287
Total		£14,157

(Signed) E. Y. W. HENDERSON,
Comptroller-General.

No. 9

No. 9.

COPY of a DESPATCH from Governor FITZGERALD to the Right Hon. Sir GEORGE GREY, Bart.

(No. 74.) Government House, Perth, July 6, 1855.
(Received October 6, 1855.)
(Answered, No. 1, Nov. 21, 1855, page 217.)

SIR,

I HAVE the honour to transmit herewith a list furnished by the Comptroller General of convicts showing the number of probation and reconvicted prisoners and ticket-of-leave men reported by the medical officers as physically incapable of earning their own livelihood.

2. This is certainly a very large list in proportion to the number of convicts sent to the colony in this early stage of the penal system, especially looking at the ages of the parties enumerated, and what it will be when the convict population here is augmented to fourfold its present amount, I can scarcely venture to predict.

3. It will be obvious that the support of any portion of these classes, or of worn-out conditional pardon men cannot in justice be charged on the local revenue, which has already more to bear than it can at least for a few years well support, in consequence of the withdrawal now of all Parliamentary aid, with the exception of the Governor's salary and the very limited grant in support of an expensive police establishment extending over so wide a territory, and necessary solely from this being a convict colony. On this latter subject I propose to address a separate Despatch.

4. I would now anxiously solicit your compassionate consideration of the lamentable position of these exiles with the view of coming to some prompt decision.

5. I know not what may be the views of my successor, but I would strongly recommend that permission be given to establish an invalid depôt without delay, on some convenient site with regard to medical proximity and healthiness of position, having in connexion therewith say 100 acres of land for garden ground, the cultivation of which would tend to reduce in some slight degree, the general cost of support, as many of these men will be found

occasionally capable for a few hours each day of such light labour as would produce vegetables, &c.

6. No one, of course, would be admitted as an inmate of such an establishment without a previous medical survey certifying his being a fit and proper object for admission.

7. A lunatic asylum would also be absolutely required, as a part of this arrangement, with, of course, a separate enclosure, as I regret to think the proportion of lunatics among the prisoners is numerically greater than among the same amount of free men.

8. Being in hourly expectation of my successor, I forbear, as would otherwise be my duty, to enter more fully on the various considerations that present themselves with regard to this important question, confining myself to thus drawing attention to a state of things that cannot too promptly be provided for.

I have, &c.
(Signed) CHARLES FITZGERALD.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

Enclosure in No. 9.

Encl. in No. 9.

RETURN of Probation and Re-convicted Prisoners and Ticket-of-Leave Men reported as physically incapable of earning their own livelihood.

Reg. No.	Name.	Age.	Class.	Disease.
29	Frederick Ward - -	35	Ticket-of-leave Man -	Chronic rheumatism.
63	Thomas Raine - -	30	Reconvicted Prisoner	Lunacy.
578	John Gallagher - -	47	Ticket-of-leave Man -	Partial loss of vision.
972	George Ryder - -	30	Do. do. -	Ventral hernia.
1,026	Richard Bachelor -	34	Do. do. -	Chronic rheumatism.
1,071	Thomas Glen - -	31	Do. do. -	Chronic disease of liver.
1,092	James Wootton - -	40	Do. do. -	Insanity.
1,187	William Potter - -	29	Do. do. -	Partial loss of vision.
1,249	Bartholomew Hurley -	30	Reconvicted Prisoner	Chronic disease of bowels.
1,293	Thomas Jones - -	42	Ticket-of-leave Man -	Partial loss of vision.
1,297	Joseph Clarke - -	37	Do. do. -	Curvature of spine.
1,311	John Regan - -	28	Reconvicted Prisoner	Insanity.
1,381	William Chadwick -	27	Probation Prisoner -	Curvature of spine.
1,410	Francis Skelton - -	25	Ticket-of-leave Man -	Partial loss of vision.
1,450	John Hudson - -	44	Probation Prisoner -	Insanity.
1,520	William Malloy -	27	Reconvicted Prisoner	Chronic disease of testicle.
1,523	Edward Ashby - -	29	Do. do. -	Chronic rheumatism.
1,696	James Payne - -	24	Do. do. -	Partial loss of vision.
2,109	Thomas Cain - -	24	Ticket-of-leave Man -	Injured wrists.
2,152	James Butler - -	27	Do. do. -	Chronic disease of lungs.
2,202	Timothy Hoban -	27	Probation Prisoner -	Idiotcy.
2,262	James Martin - -	30	Ticket-of-leave Man -	Insanity.
2,372	Michael Lamey -	29	Do. do. -	Partial loss of vision.
2,401	Edward Ryan - -	19	Do. do. -	Do. do.
2,449	Richard Pilkington -	27	Do. do. -	Do. do.
2,507	James Kavanagh -	23	Do. do. -	Amputated foot.
2,774	Thomas Allen - -	28	Do. do. -	Partial loss of vision.
2,782	Alfred Larwood -	25	Do. do. -	Injured wrists.
2,853	Robert Whitehead -	30	Do. do. -	Paralysis.
2,894	James Hunter - -	50	Do. do. -	Partial loss of vision.
2,910	Charles Kay - -	55	Do. do. -	General debility.
2,927	John Thompson -	28	Do. do. -	Partial loss of vision.
2,976	Benjamin Cross - -	35	Do. do. -	Varicose vein of both legs.
3,034	Thomas Cockindale -	30	Do. do. -	Partial loss of vision.
3,046	Patrick Farrell - -	24	Do. do. -	Do. do.
3,064	Stephen Henfield -	43	Do. do. -	Do. do.
3,073	Patrick Cunningham -	29	Do. do. -	Insanity.
3,122	George Hawks - -	27	Probation Prisoner -	Partial loss of vision.
3,146	Charles Gallagher - -	26	Do. do. -	Injury of spine.
3,185	Levison Harris - -	42	Do. do. -	Insanity.

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No. 10.

2.

No. 10.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Lord John Russell.

(No. 1.) Government House, Perth, August 17, 1855.

My Lord, (Received October 25, 1855.)

I have the honour to enclose returns of the number of prisoners and ticket-of-leave holders in this colony, and of the amount of available prison accommodation on the 30th June 1855, together with a copy of the Comptroller General's letter, which accompanied them, as the most satisfactory mode of placing the information required before you.

I have, &c.

The Right Lord John Russell, &c. &c. &c.

(Signed) A. E. KENNEDY, Governor.

Encl. 1 in No. 10.

Enclosure 1 in No. 10.

Sir, Comptroller General's Office, Fremantle, August 11, 1855.

In accordance with the Secretary of State's instructions, conveyed in his Despatch, dated March 5, 1855, No. 3, I have the honour to forward a return of the number of prisoners and ticket-of-leave men in the colony on the 30th June, 1855, and the amount of available prison accommodation on that date.

His Excellency will perceive that on that date there were 492 vacancies in the prison stations; since then, 199 prisoners have been received per "Adelaide," reducing the vacancies to 293.

I anticipate that 160 prisoners will be discharged on tickets of leave by March 1, 1856, and by that time the associated rooms of the new prison will be complete, giving accommodation for 200 prisoners. There will, therefore, be 653 vacancies in the permanent prison accommodation on March 1, 1856.

The number of ticket-of-leave men on the hands of the Government on June 30 was 541, and in the private service, 1,037.

I have every reason to believe that the number of men on the hands of Government will rapidly diminish, and if no ticket-of-leave men are sent from England, I do not anticipate that more than 300 will remain on the hands of the Government by January 1, 1856. There is permanent accommodation for 600 ticket-of-leave men, without any reference to road parties, and if ticket-of-leave men are not sent from England, 300 or 400 prisoners could easily be accommodated in addition to the 653 vacancies above enumerated.

I have, &c.

The Hon. the Colonial Secretary. &c. &c.

(Signed) E. Y. W. Henderson.

Encl. 2 in No. 11.

Enclosure 2 in No. 10.

Return of the Number of Prisoners and Ticket-of-Leave Holders in the Colony, and of the Amount of available Prison Accommodation, on the 30th June 1855.

Prison Accommodation.

Fremantle Prison	616
North Fremantle do.	120
Freshwater Bay do.	80
Guildford do.	200
Total accommodation	1,016
„ prisoners 30th June 1855	524
Vacancies	492

Number of Prisoners.

Probation	384
Reconvicted by superior courts	7
Ticket-of-leave men under magisterial sentence	121
Colonial	12
Total prisoners	524

Recapitulation.

Prisoners	524
Ticket-of-leave men	1,578
Total in the colony 30th June 1855	2,102

Ticket-of-Leave Men on the hands of Government (exclusive of those remanded to Prison).

In hospital		13
In rural jails under magisterial sentence		11
In depôts at Mount Eliza	73	517
„ Freshwater Bay	16	
„ Guildford	158	
„ Toodyay	43	
York	66	
Bunbury	41	
Port Gregory	40	
Albany	52	
Albany Road party	28	
Total on the hands of Government		541
„ in private service		1,037
„ ticket-of-leave men		1,578

Registrar's Office, Fremantle,
August 10, 1855.

M'Bryde Broun,
Registrar.

No. 11.

No. 11.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Lord John Russell.

(No. 2.)

Government House, Perth, August 17, 1855.
(Received October 25, 1855.)
(Answered, No. 10, October 29, 1855, page 217.)

My Lord,

I have the honour to transmit a letter from the Comptroller General of Convicts in reference to the disallowance of salary at 5*s.* per diem to the principal medical officer of his department.

Dr. Galbraith continues to discharge the duties of the office on the distinct understanding that he shall not receive any salary unless the Comptroller General's explanation be deemed satisfactory.

I have, &c.

The Right Hon. Lord John Russell, &c. &c. &c.

(Signed) A. E. KENNEDY,
Governor.

Enclosure 1 in No. 11.

Encl. 1 in No. 11.

Sir,

Comptroller General's Office, Fremantle, July 30, 1855.

The allowance to the principal medical officer of the convict service in this colony, as provided for in the estimates for the year 1855–56, having been disallowed, I have the honour to bring under his Excellency's consideration the necessity which I conceive exists for the continuance of this appointment, in the hope that Her Majesty's Government may be pleased to aprrove thereof.

The subject of the appointment of a principal medical officer to the convict service in this colony was brought under the notice of Her Majesty's Government by his Excellency's predecessor, and the appointment was approved at a salary of 5*s.* per diem, by the Secretary of State's Despatch, dated 22nd July 1854.

Dr. Galbraith has filled the appointment now for nearly eighteen months, and I have great pleasure in bearing testimony to the real service which he has rendered in this branch of the convict department. The medical officer and men to whom the lives of the convicts, and the medicine and property are entrusted, are, with the exception of the medical officer of the convict establishment and the colonial surgeon at Perth, but little fitted for their responsible duties, and require that constant check and supervision which can be exercised only by a professional man. Dr. Galbraith has organized a most satis-

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factory code of regulations, &c. which I forward for his Excellency's information, and which are now in operation. As I conceive his removal from the convict service would be a serious injury, and attended with real inconvenience, I trust his Excellency will allow him to continue to perform the duties of principal medical officer without salary, which I feel sure he will consent to do until the pleasure of Her Majesty's Government is known.

I should mention that it is utterly impossible for the medical officer of the convict establishment at Fremantle, who has not only the convicts, but the whole garrison, including altogether some 1,500 people, to perform the duties of principal medical officer, even if such were compatible with his rank, which it is not.

I have, &c.

The Hon. the Colonial Secretary, (Signed) E. Y. W. Henderson.
&c. &c. &c.

Encl. 2 in No. 11.

Enclosure 2 in No. 11.

Regulations for the Management of the Convict Hospitals in Western Australia.

His Excellency the Governor having been pleased to approve of the following regulations for the management of the convict establishment in Western Australia, all medical officers and others concerned in the care of the sick are accordingly enjoined to act in strict conformity to the said regulations, which, though framed principally with a view to the management of the permanent hospitals, must be observed, as far as practicable, by all medical officers in charge of depôts at present without regular hospitals, road parties, &c.

Superintendence and Control.

1. Medical officers are to perform their respective professional duties under the instructions and control of the principal medical officer.

General Duty.

2. In carrying out their general duties, medical officers are to bear in mind that these are to be performed, consistently with their duty to the sick, in such a spirit of harmony by co-operating with the other authorities, as to assist in maintaining the general efficiency and welfare of the convict service.

Responsibility of Medical Officers.

3. The medical officer is to have the sole superintendence of the professional arrangements of the hospitals, and will be held responsible to the principal medical officer for the same being conducted in conformity with the authorized regulations.

Attendance at the Hospital.

4. Medical officers must regularly visit their hospitals twice a day, viz., morning and evening; the morning visit to be made at 8½ a.m., at which hour men reporting themselves sick are to be seen, prescribed for, and admitted if necessary. Where medical officers reside at some distance from the station, and cannot without great inconvenience attend at that hour, they are to make their visits as early in the day as possible, and always at some certain fixed hour.

Road Parties.

5. Medical officers in charge of road parties at some distance from the station at which they reside, are to visit them twice a week. The attendants on the sick are only to be permitted to take charge of the patients under the direction of the medical officers, who are themselves to record their cases, prescribe for them, and instruct the hospital attendants as to the treatment to be followed, until the next visit.

Attendance on Military.

6. The sappers and military guard at the out stations are to be attended by the medical officer, and to receive medicines from the hospital.

Attendance on Families of Officers and Military.

7. The families of officers belonging to the convict department and of the military are also to receive medical aid and medicines, but are not to be supplied with medical comforts from the hospital.

Leave of Absence.

8. Medical officers wishing leave of absence from their station are to obtain the previous sanction of the principal medical officer; and are to specify the period for which leave is required, and the mode in which their duties are to be provided for during their absence. He will notify such leave to the superintendent of the station, naming also his substitute. When a medical officer is obliged to be absent from the station for any considerable portion of the day, he is to notify to the superintendent where he is to be found in case of accidents occurring which require immediate assistance.

Non-delegation of Professional Duties.

9. Professional duties are never to be delegated to incompetent persons; the operations of bleeding, cupping, tooth drawing, dressing and bandaging wounds or ulcers, &c., must invariably be performed by the attending medical officer.

Capital Operations.

10. Except under urgent circumstances, not admitting of time for consultation, no capital operation is to be performed without the previous sanction of the principal medical officer, to whom the state of the patient, the history of the disease, and the reasons for the operation are to be described.

Admission and Clothing of Patients.

11. Every patient on admission into hospital is first to be made perfectly clean with soap and water, and his hair to be combed, and cut, if necessary. He is then to be supplied with hospital clothing.

Bed Head Tickets.

12. A ticket, on which is written the name, disease, and date of admission, is to be hung over the bed-head of each patient.

Infectious Diseases.

13. Patients with infectious diseases should, as far as practicable, be kept separate from patients with other complaints; and their bedding, before being used again or put in store, is to be thoroughly cleansed and aired. Men with ophthalmia are always, if practicable, to be placed in a separate ward, as also those afflicted with itch.

Reports on Patients transferred from one Hospital to another.

14. When a patient is transferred to another hospital or depôt an accurate and minute statement of his case, period of illness, and previous treatment, must be transmitted for the information of the medical officer of the hospital or depôt to which he is removed.

Inspection of Quarters.

15. Medical officers are frequently to examine the state of the men's barracks and their environs, in order to ascertain that due cleanliness and ventilation are preserved, and that no nuisances exist.

Reports on extraordinary Sickness.

16. When a station is sickly, or when any formidable disease appears, or if ophthalmia be unusually prevalent, the medical officer is immediately to report his opinion thereof to the principal medical officer, stating, if contiguous, how introduced; if epidemic, whether common in the neighbourhood, or originating among the convicts from severe duty, long exposure to cold and fatigue, bad weather, imperfect clothing, or foul and noxious air in unventilated and crowded barracks, reporting also such cases immediately to the superintendent, so that the nuisance complained of may be remedied, or from any other and what cause, together with a full detail of the medical treatment adopted.

Ventilation of Hospital.

17. The wards of the hospital are to be ventilated according to the state of the weather and the diseases of the patients, under the special directions of the medical officer. The bedding, as often as circumstances require and the weather permits, is to be shaken and exposed to the air for a considerable time.

Dry Rubbing of Floors.

18. The floors of the hospital wards are to be dry rubbed every day by means of the scrubbing brush, mounted on the heavy block. They are to be washed only under the special direction of the medical officer.

Change of Linen, &c., or the Patients.

19. Every patient is to be provided with a clean shirt, and (if he can sit up) with a pair of clean stockings twice a week, or oftener if necessary, and with clean sheets once a fortnight, or oftener, as particular cases may require.

Quietness in Hospitals.

20. As quietness and rest are absolutely necessary in hospitals, great care is to be taken that every duty be performed with the least possible noise, and that at night the whole building be perfectly quiet. Every patient must be in bed by 7 p.m. in winter and 8 p.m.

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in summer, and no conversation must be permitted after that time, nor any fires or lights left burning except such as the medical officer may have directed for the use of the sick, or that the superintendent may deem necessary for the surveillance and safe custody of prisoners.

Smoking, Swearing, &c., prohibited.

21. Smoking in the wards, swearing, indecent conversation, and every species of gaming, are most strictly prohibited.

Introduction of Articles of Food into the Hospital.

22. As the wants of the patients are fully provided for, the introduction of any extra articles of victuals and drink into the hospital is positively prohibited.

Visitors.

23. No visitors are to be allowed access to the patients without special permission of the medical officer and superintendent.

Orderly Conduct of Patients.

24. The patients are to behave in an orderly and submissive manner, to comply with every regulation of the hospital; to assist, as far as they are able, in making the beds, and cleaning the wards, and to lend every aid to their sick comrades, which the medical officer may deem compatible with their state.

Care of Medicines, Instruments and Stores.

25. The medical officer is held responsible for the proper custody and preservation of the medicines, instruments, &c., and he is enjoined at all times to exercise an economical expenditure of the medicines and medical stores.

Duties of Dispenser.

26. The dispenser or other head hospital attendant, is to have the wards cleaned early every morning, and oftener when necessary, to see that the patients are washed before the morning visit, that those who are able to sit up fold up their beds, and that they assist in the duties of the ward. He is to go round, at hours fixed by the medical officer, for administering medicine and nourishment, to see that the patients punctually receive the same. He is further to assist the medical officer in making up his returns.

Hospital Orderlies.

27. Hospital Orderlies are to be appointed according to the number and wants of the sick, not to exceed the proportion of one orderly to ten patients, excepting under special circumstances, which are to be reported to the superintendent who will order additional assistance.

Diet of the Sick.

28. Medical officers are to be guided by the diet table in Appendix No. II., as to the species and quantity of food for the sick, and no deviation from this scale can be admitted. A fair copy of the diet table is to be pasted on a board and hung up in a conspicuous place in the ward.

Extras.

29. In the treatment of ordinary cases of disease, the ordinary diets will be found adequately sufficient. The strictest vigilance and economy is enjoined in ordering extra articles of diet, especially wine, malt liquor and spirits. They are to be prescribed only when indispensably necessary in the treatment of the disease, and are never to be given to any patient by way of indulgence.

Diet Rolls.

30. The diet rolls are to be filled up daily by the medical officer and forwarded to the superintendent (or officer in charge at out stations) who will issue on the medical officer's requisition. Equal attention is necessary to the insertion of diets and extras in the medical register.

Supply of Medicines.

31. Supplies of medicines are to be drawn by half yearly returns and requisitions, the latter in duplicate (Appendix No. VII.) to the principal medical officer, viz., on 31st March and 30th September.

Intermediate Requisition for Medicines.

32. If any intermediate supply should be unavoidably necessary, a requisition in duplicate should be sent to the principal medical officer.

Steel Trusses.

33. In cases requiring steel trusses, requisitions in duplicate are to be transmitted to the principal medical officer, specifying the dimensions and description of the trusses, and the names of the men for whom required, and whether they have previously been supplied with them and at what time.

Hospital Books and Returns.

34. The hospital books and returns required are as follows:—

1st. A medical register, to contain detailed history of every disease with the treatment employed, and a daily entry of diet and extras; vide Appendix No. 1.

2nd. An admission and discharge book in which must be entered the name and description of every patient admitted into the hospital, with disease, date of admission and of discharge or death.

3rd. A book for the entry of the names of out patients and the medicines prescribed for them.

4th. Monthly rolls for ordinary diets, and for extras, to be filled up daily

5th. A letter book for the entry of all official letters written or received by the medical officer.

6th. A monthly return of diets, agreeably to Appendix III., to be forwarded to the principal medical officer, along with the diet rolls as vouchers for its correctness.

7th. A quarterly hospital account (Appendix IV.) to be forwarded to the principal medical officer.

8th. A nominal return of sick to be transmitted daily to the superintendent by 9 a.m.

9th. A weekly nominal return of sick to be transmitted to the Hon. the Comptroller-General.

10th. A monthly sick return (Appendix V.); the nomenclature to be strictly in accordance with the table of diseases (Appendix VI.)

11th. A half yearly return and report of sick and medical transactions, to be made out to 30th June and 31st December.

12th. A half-yearly return of medicines, vide paragraph 31.

13th. A half-yearly return of books and printed forms, Appendix VIII.

(Signed) George T. Galbraith, M.D.,
Staff Surgeon and Principal Medical Officer.

Approved,
(Signed) Charles Fitzgerald,
Governor.

APPENDIX I.

Instructions for Entry of Cases in the Medical Registers.

Medical Officers will be held responsible for the accuracy of these medical registers, into which every case (itch excepted) should be fully entered in a fair and legible handwriting, so that at no future opportunity shall there be experienced the least difficulty in getting any required information. The following directions are to be particularly attended to,—viz., the Christian name and Surname of each Patient, with his Register No., name of Ship, Age, Disease, and Date of Admission, should be first entered. The general history of the Patient should then be given, including country, trade, general appearance, and temperament, with the previous diseases of importance to which he may have been subject. To these should succeed a full detail of present symptoms. In the proper columns are to be inserted the Prescriptions and the rate of Diets and Extras ordered daily. The subsequent Reports should form a connected history of the case.

When the case is carried from one Folio or Register to another, it should be marked to and from what Folio or Register the case is transferred.

A short statement should close the case on the day of discharge, reporting if complete recovery has resulted, or, if only relieved, why further treatment is discontinued.

In fatal cases, the appearances on dissection correctly and minutely made and described, should terminate the case. These post mortem examinations are for the purpose of elucidating the cause of death, and for guidance in future similar cases.

George T. Galbraith, M.D.,
Staff Surgeon and Principal Medical Officer.

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APPENDIX II.

Articles composing the different Diets for a Day.

Full.	Half.	Low.	Spoon.	Remarks.
Meat - - 16 oz. Bread - - 16 „ Potatoes - - 16 „ Milk - - 6 „ Tea - - - ¼ „ Sugar - - 1½ „ Salt - - ½ „ Barley - - ¾ „ Or Rice or Oatmeal - - 1½ „	Meat - - 8 oz. Bread - 16 „ Potatoes - 8 „ Milk - 6 „ Tea - - ¼ „ Sugar - - 1½ „ Salt - - ¼ „ Barley - - ¾ „ Or Rice or Oatmeal - - 1½ „	Meat - - 4 oz. Bread - - 8 „ Potatoes - - 8 „ Milk - - 6 „ Tea - - ¼ „ Sugar - - 1½ „ Salt - - ¼ „ Barley - - ¾ „ Or Rice or Oatmeal - - 1½ „	Bread - 8 oz. Milk - - 6 „ Tea - - ¼ „ Sugar - 1½ „	The Meat to be boiled so as to make a pint of Soup for each Patient, for which the Barley, Rice or Oatmeal is allowed.

DIET TABLE.

Meals.	Full.	Half.	Low.	Spoon.	Remarks.
Breakfast.	1 p of Tea 6 oz. of Bread	1 pint of Tea 6 oz. of Bread	1 pint of Tea 3 oz. of Bread	1 pint of Tea 4 oz. of Bread.	No extras to be given on Full, Half, or Low Diets, except Wine, Beer, or Spirits. These to be given when required in conformity with existing regulations.
Dinner.	16 oz. of Meat 4 oz. of Bread 16 oz. of Potatoes	8 oz. of Meat 4 oz. of Bread 8 oz. of Potatoes	4 oz. of Meat 2 oz. of Bread 8 oz. of Potatoes	Extra articles (if necessary) at the discretion of the Medical Officer.	
Supper.	1 pint of Tea 6 oz. of Bread	1 pint of Tea 6 oz. of Bread	1 pint of Tea 3 oz. of Bread	1 pint of Tea 4 oz. of Bread	

APPENDIX III.

Monthly Ration Return of Diets in the Convict Hospitals at from the to the 185 .

Date.	Number of Sick.	Diet.				Total No. of daily Diets.	
		Full.	Half.	Low.	Spoon.		

I hereby certify that the foregoing is a true and correct return of all patients treated in the convict hospital at during the month of 185 .

Certified

_____

Superintendent.

_____

Medical Officer.

Confirmed,

_____

Principal Medical Officer.

STATEMENT of Provisions issued at the Convict Hospital at during the month of 185 .

No. of Diets.	Meat.	Bread.	Potatoes.	Vegetables.	Tea.	Sugar.	Salt.	Milk.	Barley.	Rice.	Oatmeal.	Sago.	Arrowroot.	Eggs.	Port Wine.	Porter.	Brandy.
	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	pts.	lbs.	lbs.	lbs.	lbs.	lbs.	No.	botls.	botls.	pints
Full - -																	
Half -																	
Low - -																	
Spoon -																	
Extras -																	

Medical Officer.

Received from in charge of the Commissariat Magazine at the above mentioned articles.

(In Figures.) (In Words.)

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Appendix 4.

APPENDIX IV.

Diets.	No. of Diets.	Bread.	Meat.	Potatoes.	Vegetables.	Tea.	Sugar.	Salt.	Milk.	Barley.	Rice.	Oatmeal.	Sago.	Arrowroot.	Eggs.	Wine.	Potatoes.
		lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	pts.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	No.	botls.	lbs.
Full - -																	
Half - -																	
Low - -																	
Spoon -																	
Extras -																	
Total carried to the Abstract -																	

ABSTRACT.

Ordinary Articles of Diet.

Articles.	Quantities.	Rate.	Amount
Bread - -		₩ lb.	
Meat - -		,,	
Potatoes -		,,	
Vegetables -		,	
Tea - -		,,	
Sugar - -		,,	
Salt - -		,,	
Milk - -		₩ pt.	
Barley -		₩ lb.	
Rice - -		,,	
Oatmeal -		,,	

Extra Articles.

Sago	lbs.	
Arrowroot	,,	
Eggs	No.	
Wine	Bottles.	
Porter	,,	

ATTENDANTS EMPLOYED.

Name.	Description.	No. of days.	Amount

APPENDIX V.

Monthly Return of Sick at *from* *to* 185

Classes of Diseases.	Specific Diseases.	Remained last Month.	Since admitted.	Total treated.	Discharged.	Died.	Remaining.

Names of Persons who have Died during the Month.

Description.	Name.	Disease.	When admitted.	When died.	Duration of Disease.	No. of Years in the Colony.	Remarks.

Particular Affections of the Eye and Skin.

Of the Eye.	Non purulent Opithalmia.	Purulent Opithalmia.	Iritis.	Ulcus Cornea.			Of the Skin.					
Remained -							Remained -					
Admitted -							Admitted -					
Discharged -							Discharged -					
Died - -							Died - -					
Remaining -							Remaining -					

APPENDIX VI.

Table of Diseases for Medical Returns.

Classes of Diseases.	Specific Diseases.	Classes of Diseases.	Specific Diseases.
Fevers	Febris Intermittens „ Remittens „ Continua Commanis „ Typhus	Abscesses and Ulcers	Phlegmon et Abscesse Paronychia Apostema Lumbare Ulcus Fistula in Ano „ in Perineo
Eruptive Fevers	Variola Rubeola Scarlatina	Wounds and Injuries	Luxatio Subluxatio Vulnus Incisum „ Sclopitorum Contusio Ambustio Fractura Concussio Cerebri Compressio Cerebri Punctura
Diseases of the Lungs	Pneumonia Pleuritis Bronchitis Hæmoptysis Phthisis Pulmonalis Catarrhus Acutus „ Chronica Asthma Dyspnœa Continua	Punished	Punitus
Diseases of the Liver	Hepatitis Acuta „ Chronica Icterus	Diseases of the Eye	Morbi Oculorum
Diseases of the Stomach and Bowels	Peritonitis Gastritis Enteritis Hæmatemesis Dysenteria Acuta „ Chronica Dyspepsia Colica Diarrhœa Obstipatio Cholera	Diseases of the Skin	Morbi Cutis
Diseases of the Brain	Phrenitis Apoplexia Paralysis Hydrocephalus Ictus Solis Amentia Mania Delirium Tremens Epilepsia Cephalagia Vertigo	Other Diseases	Cynanche Tonsillaris „ Parotidea „ Trachealis Carditis Splenitis Hephritis Cystitis Otitis Erysipelas Epistaxis Hæmorrhois Tetanus Diabetes Atrophia Hydrocele Sarcocele Hydarthus Vermes Scrophula Scorbutus Dysecæa Calculus besicæ Eneuresis Ischuria Dysuria Tumores Schirrus Aneurisma Varix Herina Prolapsus Ani Morbus Coxarius Amputatio Necrosis Exostosis Morbus Cordis Palpitatio Observatio
Dropsies	Anasarca Hydrothorax Ascites		
Rheumatic Affections	Rheumatismus Acutus „ Chronicus Neuralgia Podagra Odontalgia Arthritis		
Venereal Affections	Syphilis Primitive „ Consecutiva Ulcus Penis non Syph. Bubo Simplex Gonorrhœa Testitis Strictura Urethræ Phymosis Paraphymosis Verrucæ		

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Appendix 7.

APPENDIX VII.

RETURN of Medicines and Surgical Material at from to 185 .

STRENGTH. / MEDICINES.	Remained as per last Return.	Since Received 185 .		Total.	Expended.	Remaining 185 .	Required for the half year as per accompanying Requisition.	No. of Hospital diets consumed during the period of this Return.
	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	
MATERIAL - -								

Appendix 8.

APPENDIX VIII.

Return of Books, Forms, and Stationery at from 185 to 185 .

Remained last - - - Return - - - - Since Received - - -														
Total - - - -														
Expended - - -														
Remaining - - -														
Required for the half year ending 185 - -														

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No. CONVICT HOSPITAL.

Weekly Return of Sick in the from the to the of 185 .

Recapitulation.	Prisoners.	Cells.	Hard Labour.	Ticket of leave.	Total.	Explanatory Remarks.
Remaining on						
Admitted - - - -						
Discharged - - -						
Died - - - - -						
Remaining -						

The Principal Medical Officer, &c. &c. &c.

Surgeon.

No. 12.

No. 12.

COPY of a DESPATCH from Governor KENNEDY to the Right Hon. Lord JOHN RUSSELL.

(No. 3.) Government House, Perth, August 17, 1855.
(Received October 25, 1855.)
(Answered No. 10, December 24, 1855, p. 219.)

MY LORD,

IN reference to certain disallowances on the convict establishment for 1855, for the salaries of visiting magistrates, I have the honour to transmit a letter dated July 30, 1855, from the Comptroller General, which I trust may be deemed satisfactory. My short experience does not warrant me in offering any opinion on the subject.

1. The duties are still performed with the distinct understanding that payment of any salary is contingent upon the approval of Her Majesty's Secretary of State, upon the accompanying explanation.

I have, &c.
(Signed) A. E. KENNEDY,
Governor.

The Right Hon. Lord John Russell, &c. &c. &c.

Encl. 1 in No. 12.

Enclosure 1 in No. 12.

SIR, Comptroller General's Office, Freemantle, July 30, 1855.

THE salaries of the visiting magistrates of the various convict stations in the colony placed on the convict estimates for 1855–56, and amounting to the sum of 715*l.* 4*s.*, having been disallowed by Her Majesty's Government on the ground of their forming part of the police expenditure towards which Her Majesty's Government contribute a fixed proportion, I have the honour to bring under his Excellency's notice the circumstances under which these officers were appointed and the duties which they have to perform, which are entirely distinct from police duties.

The visiting magistrate of the convict and ticket-of-leave depôts were appointed on their first formation in 1851, and the scale of salaries was submitted for approval. These salaries, which are very small, have been continued ever since, and have been in previous estimates entered under the item of "Salaries of Officers of Hiring Depôts," and have always been allowed. In the estimates for 1855–56 these salaries were placed under a separate item for no particular reason, and, indeed, contrary to my wish, as they belong as legitimately to the salaries of officers of hiring depôts as those of any other officer of the depôt.

As regards the duties of the visiting magistrate, I beg to enclose a copy of the approved instructions for those officers, which are so full and explanatory that I think it unnecessary for me to do more than to draw his Excellency's attention to them to convince him how entirely these duties are removed from the ordinary duties of the police service.

The visiting magistrates are, in fact, the chief officers of the depôts, who are responsible that all orders and regulations are strictly carried out, and the whole convict system

faithfully and justly administered by the superintendents or warders in charge. These latter have no power to punish men except for trivial offences, and unless the stations are visited by superior authority other crimes must go unpunished or be dragged into the police courts, and in the case of road parties, this latter resource is of course unavailable, for they are often miles and miles away from any police court.

I therefore earnestly hope his Excellency will bring under the notice of Her Majesty's Government, in the hope that the limited salaries heretofore drawn by the visiting magistrates may be continued to them, for I need not say that I consider the appointment an indispensable one, and attribute much of the good order and security which has hitherto prevailed at the rural depôts and road parties to the zeal and discretion with which they have performed their duties.

I have, &c.

The Hon. the Colonial Secretary, &c. &c. &c.

(Signed) E. Y. W. Henderson.

Enclosure 2 in No. 12.

Encl. 2 in No. 12.

1. The visiting magistrate will visit the depôt under his magisterial care once a day, or oftener if necessary, and in addition to his magisterial duties, he is frequently to visit the barracks and the men while at work.

2. When the visiting magistrate has charge of two or more parties of men, he will make these visits at least twice in each week and oftener if necessary.

3. The following books are to be kept at each station, viz.:—

1. Visiting book;
2. Magisterial sentence book;
3. Order book.

In the visiting book, each visit made by the magistrate is to be entered; the state of the men and the depôt generally, every irregularity on the part of the officers of the depôt, or any want of diligence in the performance of their duties, which may be brought under his view or within his knowledge.

4. In the visiting book also will be recorded any deficiency in stores, clothing, or barrack furniture, or any other want which he may notice.

5. The visiting magisttate will on the 1st of each month inspect all the buildings, and will enter in the visiting book a report of their cleanliness or otherwise, state of repairs, &c. the general state and behaviour of the men under his magisterial care, with any suggestions which may strike him as likely to improve their position. All complaints by one officer against another, and all irregularities will be entered in the visiting book at the period of the monthly inspection.

6. A copy of the visiting book is to be made by the depôt clerk, and forwarded weekly to the comptroller general, certified by the visiting magistrate and the officer in charge of the depôt.

7. In the magisterial sentence book will be entered all offences brought before the visiting magistrate, and a record of the proceedings and sentence entered therein, and a copy thereof transmitted weekly to the comptroller general's office.

8. In the order book all orders given by the visiting magistrate on any subject whatever are to be entered, no order is to be verbally given, and it is to be distinctly understood that the visiting magistrate has no power to give any orders to the officers or ticket-of-leave men, except through the senior assistant superintendent or officer in charge of the depôt.

9. A copy of the order book is also to be transmitted weekly to the comptroller general duly certified.

10. All communications received by the senior assistant superintendent or officer in charge of the depôt from the comptroller general's office will be open to the inspection of the visiting magistrate.

11. The visiting magistrate should make himself acquainted with the various books, records, and returns required to be kept and made by the superintendents, and should satisfy himself at the monthly inspection that they are correctly kept.

12. The visiting magistrate is not required to interfere in any way with the interior and moral discipline of the station, these the senior assistant superintendent is specially responsible for. His chief duty, and indeed the main object of his appointment, is to ascertain that the orders relative to the conduct of the men are fully, and honestly complied with, that moral and religious instruction is regularly imparted, as far as circumstances will permit, that no man is employed in any situation contrary to the regulations, that the men are advised and admonished, and in fact tutored by those under whose charge they are placed, in fine, that the spirit of the instructions under which the system is conducted is fully carried out, and each of these points he will carefully notice in his monthly report.

13. The visiting magistrate will attend to any complaints made by the senior assistant superintendent against the men, and punish them either by fine or imprisonment, as he may see fit, according to the nature and degree of the offence, having due regard for the previous character and conduct of the offender.

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The convict law being severe in its operation, care should be taken to study the temper and dispositions of the men to be punished, for it is obvious that the same description of punishment inflicted upon men of different dispositions and understandings will not be of equal effect, and a marked distinction should be drawn between offences of a criminal nature and those against discipline, and generally short sentences promptly and well carried out will be found most effective.

The duties of the visiting magistrate will be confined strictly to those of a magistrate, the execution of all orders, the care and custody of the men, and the arrangements of the depôt being vested in the superintendents and their subordinates. It is the duty of the visiting magistrate to see that all orders and regulations are faithfully obeyed.

By command.
(Signed) E. Y. W. Henderson,
Comptroller General.

No. 13.

No. 13.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Lord John Russell.

(No. 5.) Government House, Perth, August 17, 1855.
(Received October 25, 1855.)

My Lord,

I have the honour to report the arrival of the convict ship "Adelaide," on the 18th of July, having on board 260 convicts.

I learn from the Comptroller General of Convicts that the condition of the the ship, as regards ventilation, was entirely satisfactory, the men appeared healthy and orderly, and that the surgeon, superintendent, and captain of the vessel appear to have paid strict attention to their duties.

Out of the 260 convicts 91 were landed on the 19th of July, and the remainder on the 20th.

I have, &c.
(Signed) A. E. KENNEDY,
Governor.

The Right Hon. Lord John Russell,
&c. &c. &c.

No. 14.

No. 14.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Lord John Russell.

(No. 8.) Government House, Perth, 17th August, 1855.
(Received 25th October 1855.)
(Answered No. 8, 14th February 1856, page 226.)

My Lord,

1. Herewith I have the honour to transmit an extract from journal of the Surgeon Superintendent of the convict ship "Adelaide."

2. I had a personal interview with the Surgeon Superintendent, and Mr. D. Antrobus, religious instructor, upon this and other subjects.

3. Without troubling your Lordship with details, I may state my opinion that the Surgeon Superintendent is an energetic, temperate, and discreet officer, well suited to the service he is employed upon, while I consider Mr. Antrobus the reverse of all these.

4. My immediate object in bringing this case under your notice is to recommend that unless really eligible persons can be found to undertake the duty of religious instructor such office had better be dispensed with, and the reading of prayers and sermon be enjoined upon the Surgeon Superintendent. The ministration of such a person as Mr. Antrobus, from the opinion I have formed of him, is not only attended with little benefit to the convicts, but calculated to do positive injury.

5. I would further recommend that persons sent out for the future as "Religious Instructors" should be distinctly informed that they are under the orders of the Superintendent, who cannot possibly enforce discipline where there is divided authority.

6. I may remark that the sermons objected to by Mr. Antrobus are a book of "Cottage Sermons by the late Rev. George Burder," published by the Reli-

gious Tract Society, and supplied for the use of the convicts by Colonel Jebb,—a book better calculated to improve Mr. Antrobus, as well as the convicts entrusted to his charge, then any ill-considered composition of an uneducated man, such as I find Mr. Antrobus to be.

I have, &c.
(Signed) A. E. KENNEDY,
Governor.

The Right Hon. Lord John Russell,
&c. &c. &c.

Enclosure in No. 14.

Encl. in No. 14.

EXTRACT from Journal of the Surgeon Superintendent of the Convict Ship "Adelaide."

"Sunday, 29th April.

"A.M. Mod. brs. and fine weather. Usual routine in the morning. 8.30, cd., sd., and ventd. prison and hospital. 9.30, visd. sick. 2=10.30 A.M., the convicts having assembled for D. S. on the 2nd deck, I asked the religious instructor, Mr. Antrobus, what sermon he intended reading out of the sermon book (as I had done on two previous Sundays). He told me that he did not consider the sermons orthodox, having been written by a Dissenter, and that he intended to read a sermon of his own composition. I told him I would not allow him to do so. On asking him for the sermon book, he refused to give it up, and in a very insolent manner told me that I had nothing to do with him. After prayers he told me that it was great impertinence on my part in threatening to confine him to his cabin, and that I had no authority over him. In the afternoon he refused to read prayers to the convicts in prison, stating that it was my duty to have them assembled in the afternoon, as well as in the forenoon, on the quarter deck; he, however, changed his mind, and read prayers to the prisoners below. 4, supper. 7, down all prisoners. Read prayers myself—the prisoners in a body having complained to me of the harsh manner of the religious instructor."

No. 15.

No. 15.

COPY of a DESPATCH from Governor KENNEDY to the Right Hon. Lord JOHN RUSSELL.

(No. 10.)

Government House, Perth, September 5, 1855.
(Received November 10, 1855.)

MY LORD,

I HAVE the honour herewith to transmit the half-yearly report of the Comptroller General of Convicts for the six months ending 31st December 1854, together with the accompanying returns; as per schedule prefixed thereto.

2. Had my opportunities during my short residence in the colony justified me in commenting upon these documents, the short period which has elapsed between their receipt and the departure of the mail must have precluded my doing so.

3. I regret this the less from the lucid and satisfactory manner in which the Comptroller General usually conveys all information and detail connected with his department, and which I trust your Lordship may in the present instance find satisfactory.

I have, &c.
(Signed) A. E. KENNEDY.
Governor.

The Right Hon. Lord John Russell,
&c. &c. &c.

Enclosure 1 in No. 15.

Encl. 1 in No. 15.

REPORT of the COMPTROLLER GENERAL of CONVICTS.

SIR,

Comptroller General's Office, Fremantle, August 1, 1855.

I HAVE the honour herewith to forward the usual half-yearly returns, together with my report on the convict department in this colony for the six months ending 31st December 1854.

One convict ship, the "Ramillies," arrived on the 7th of August, bringing 276 convicts, one death having occurred during the voyage; 157 of these received tickets of leave on landing; the remainder were received into the convict prison for further probation on the public works.

Return No. 1.

Consequent on so small a number of prisoners having arrived, the number available for the public works has rapidly diminished, and only 239 English convicts remained on the 31st of December. The want of hands has materially retarded the progress of the prison in course of completion.

Return No. 2.

WESTERN AUSTRALIA.

Of 1,916 ticket-of-leave holders, 178 were under magisterial sentence, 6 in hospital, and 696 on the public works, and 1,036 in private employ or earning their own livelihood.

Return No. 3.

The total number of convicts received up to 31st December was 3,208, of whom 1,045 have been disposed of as shewn on Return No. 3; 892 of these have received conditional pardons; 5, free pardons; and 106 have died in the colony and 25 at sea.

Out of the whole number received during a period of four years, only five have made their escape. These were ticket-of-leave holders from the outports.

Return No. 4.

Return No. 4 is an abstract of the offences and convictions in the colony of free and ticket-of-leave men.

With the exception of the one case of the murder of a Chinaman, there is a gratifying absence of serious crime; and your Excellency will perceive that the majority of serious offences appear to have been committed by free persons, although some may have been conditional-pardon men.

Drunkenness as usual swells the list and it is to be hoped that the recent enactment prohibiting the sale of liquor on Sundays may in some measure check this evil.

Return No. 5.

The average ratio of wages appear from Return No. 5 to continue high, for the reasons given in my former report, viz., the high rate of wages earned by mechanics, and by those working on daily wages receiving no rations. The usual rate paid to labourers continues from 1*l.* to 2*l.* per month.

Eight ticket-of-leave holders have received permission to marry during the half year, making a total of 81 marriages sanctioned up to 31st December. With one exception, none of these men have misconducted themselves; and I believe only one woman has been thrown on the local government for support, and that for a short period only, owing to the inability of her husband to support her.

Return No. 6.

Return No. 7.

Seventeen ticket-of-leave holders died during the half year, of whom one was executed, and four accidentally killed.

Return No. 8.

Thirteen applications for their families have been forwarded from ticket-of-leave holders. The total number whose wives and families have been sent out to them is 30; and of these, with one exception of an Irish prisoner, all have been in a position to maintain their families on their arrival.

Looking at the great disproportion of the sexes in the colony, the marriages of ticket-of-leave men, and the transmission of their families to the colony, are matters of importance.

Having entered in my last report fully into the general working of the convict system in this colony, I am happy to be able to continue to report favourably of the general state of the department under my control.

The general regulations for the management of the convict prison, ticket-of-leave depôts, public works, &c., which were appended to my last report, continue to be steadily carried out. The men are orderlyand industrious, and the officers generally zealous,and atten tive to their duties.

*Returns Nos. 10,

The collection of passage money has been steadily enforced. The total amount received during the half year was 2,241*l.* 17*s.* 9¼*d.*; of which 1,523*l.* 8*s.* 8½*d.* was received by deductions from earnings on public works, 47*l.* 2*s.* 10*d.* regulated allowance for prompt payment, and 671*l.* 6*s.* 2¾*d.* received in cash by the commissariat.

Appendix at page 103.

Appendix A gives the regulations for collecting and accounting for all passage money. The many difficulties which the establishment of this portion of the system involved are now entirely overcome, and the whole of the payments satisfactorily checked and accounted for without the possibility of mistake.

Returns Nos. 12, 13, 14.

The progress of the public works during the half year has been very satisfactory, and full and clear details are given in the reports of Captain Wray, Lieut. Du Cane, and Lieut. Crossman, Royal Engineers in charge.

Numerous roads and bridges, of much inportance to the development of the resources of the colony, have been completed and are in progress; and as very few buildings will hereafter be required, more labour will be at disposal for works of public utility.

Should a sufficient number of prisoners arrive (and from the Despatch of the Secretary of State, dated 27th October 1854, No. 34, I apprehend this will be the case,) during the half year to enable me entirely or nearly to complete the permanent prison, the labour of a large number of prisoners will be disposable for employment on the important works proposed at this port; in anticipation of which I have had the honour to submit to your Excellency a report and estimate on the probable expense to the colony of deepening the channel of the River Swan, clearing a passage through the bar at its month, and forming a breakwater off Arthur's Head, to give secure anchorage at all seasons of the year.

The importance of a secure harbour to the future progress of the colony cannot be overrated; but as the projected breakwater is a work of considerable magnitude, it is useless to commence it unless there is the certainty of a sufficient number of convicts being sent to the colony to justify the expectation that it can be completed, for it cannot be expected that for many years the colony will be in a position to execute such a work with free labour.

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* These Returns being exceedingly voluminous are not printed.

WESTERN AUSTRALIA.

The subject of the greatest difficulty, and which has constantly occupied the attention of the authorities, has been the employment of the ticket-of-leave holders on the public works. Hitherto the system has worked well, as regards the order, industry, and general management of the ticket-of-leave population. The entire limitation of the amount of cash paid to such men to 4*d*. per diem for the purchase of clothing, necessaries, &c. has reduced the expenditure on their wages to a minimum, and left nothing to be done to give them no encouragement to remain on the public works. The revised regulations on this subject are given in Appendix B.

Appendix B, page 104.

The causes which led to the establishment of the depôts in the distant districts, and the absolute necessity for them, have been fully treated of in my former reports. In justice to the measures which were adopted, it ought to be remembered that large numbers of men were sent to the colony with tickets-of-leave, with the distinct understanding that there was not employment for them in private service, and that they were to be employed by Government. The real saving effected by the hiring depôts in enabling men to get service, and cease to be a burden to Government, has been often brought under notice; but as exception seems to be taken to the expense of these depôts, I trust that the system of sending men to the colony with tickets-of-leave may be abolished.

If convicts are sent here to work out their time on the public works, the men will be more gradually discharged, and as the colony progresses more will be absorbed, and fewer ticket-of-leave men left on the hands of Government. The depôts may then be occupied by probation prisoners having short periods to serve, whose rations and supervision would cost no more than at any other prison; and the experiments already made indubitably prove that such gradual release from penal discipline is attended with the best results.

Experience has shown that the convicts who have undergone probation in prison in the colony before receiving their tickets of leave have a much greater distaste to entering the depôts than those who arrive direct from England with tickets of leave. To the former, to enter a depôt is merely to remove from one prison to another; and at the rate of pay allowed a ticket-of-leave holder in depôt, who has to supply himself with clothing and necessaries, is to a certain amount no better off than a convict who has these supplied him. With those who arrive with tickets of leave the case is different; they find food and shelter in the depôts, and are not so anxious to leave them as the prisoners. There are other causes which tend to the same result, and so far as the convenience of the service will admit I should hope that all convicts sent to the colony may have a certain period to serve as prisoners before receiving tickets of leave. With the gradually increasing demand for labour, I think we could receive without difficulty from 1,200 to 1,500 convicts per annum and if the cost is not so much greater in this colony as to counterbalance the benefit of transportation both to the home Government and to the colony, I see no reason to limit the number to that amount, and every exertion will be made to limit the expenditure as much as possible.

Return No. 9.

The report of the intelligent and energetic superintendent of the convict prison at Fremantle, supplies copious details regarding that establishment, and the system of discipline, which continues to be as successfully carried out as heretofore. I have nothing to add to my previous commendations on the able and satisfactory manner in which Mr. Dixon's duties are performed.

The great object which has been steadily kept in view in the treatment of convicts under sentence of transportation is their moral, and, I may say, their physical reformation. To this end a mild but firm course of discipline has been invariably enforced. The period of every man's servitude is determined, within certain limits, by his own industry and good conduct; and every inducement has been held out to the men, both while in prison and after leaving it, to an improved course of life. Strict justice has been shown to all, and crimes and offences, however slight, have been invariably punished.

The question of the different scale of rations allowed to probation and re-convicted prisoners was brought under notice in the superintendent's report; and the same question, as well as the whole question of the scale of rations as affecting the health of the prisoners, was seriously brought under my consideration in the somewhat voluminous report of the surgeon.

On the receipt of this document, I submitted it to his Excellency, and a board of medical officers was convened, who, after much deliberation, recommended that the whole scale of rations should be the same for all prisoners, but recommended a considerable reduction in the amount of the daily ration of bread and meat. This reduction has been carried into effect, and is now in course of experiment. The difference in the amount of food given to the prisoners here to that to which they have been accustomed elsewhere produces a certain amount of dissatisfaction; but if the results are, as anticipated by the surgeon, viz., a marked improvement in the general health of the men, there can be no question of the propriety of enforcing the scale. Whether such will be the result I cannot pretend to foresee.

The new scale of rations is given in Appendix C.

Appendix C.

An invalid station has been formed at Freshwater Bay, and the question of the support of men incapable of earning their own livelihood referred for the consideration of Her Majesty's Government.

WESTERN AUSTRALIA.

The superintendent in his report refers to the punishment of imprisonment in chains. I certainly fully concur with him in viewing this mode of punishment as most objectionable. As a means of security it is quite useless, and I think, if limited to cases in which, on the representation of the committing magistrates, it is recommended by the Comptroller-General to the Governor, it might be most beneficially abolished.

The punishment of flogging has been only thrice inflicted during the half year; and, except in very rare instances, I think it does more harm than good. I consider, where there are proper means of coercion available, flogging might be utterly abolished, with perfect safety, except in rare cases, and with a thorough knowledge of the peculiar temper and disposition of the prisoner condemned to the degrading infliction of the lash.

The ill health of the chaplain, the Rev. J. Brown, who has since resigned, prevented his furnishing the usual report. I much regret the loss of his valuable services.

Report of Roman Catholic Chaplain, page 94.

The duties of the Roman Catholic chaplain have been most faithfully performed, and his report evinces his anxious desire for the good of the prisoners committed to his charge.

Every attention will be paid to the suggestions of this officer; but the questions of the holidays of the Roman Catholic Church, the Roman Catholic chapel, and the lodging of the Roman Catholic chaplain, have been already submitted to the Secretary of State.

The general good conduct of the convict population of the colony is a subject of much gratification, and I do not consider the proportion of re-convictions by any means large; on the contrary, I think it is less than could have been anticipated under all the circumstances of the case, and the majority of re-convictions are for minor offences; the absence of serious crime being, as I have before stated, remarkable.

The convict system is now so fairly established, and has been found so fully to answer expectation, that I really consider the only obstacle now remaining to its full and satisfactory development is a decrease in the cost of the necessaries of life and an increased demand for labour, so that when men obtain tickets of leave they may have no difficulty in obtaining employment, and when once this is the case the public works can be effected by convict labour; and if all continues to work as satisfactorily as heretofore, there will be little to be desired for the success of the convict system as applied to Western Australia.

I see no reason to doubt but that both these conditions will be gradually but surely realized.

I have, &c.
(Signed) E. Y. W. Henderson,
Comptroller-General.

To his Excellency the Governor,
&c. &c. &c.

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E. Y. W. Henderson,
Comptroller General.

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* These Returns being extremely voluminous are not printed.

No. 1.

RETURN of the Number of Convicts who have arrived in the Colony between the 1st of July and the 31st of December 1854.

Ship.	Date of Arrival.	From whence.	Number by Assignment List.	Deaths on Passage.	Number landed.		Deaths since landing.	Number now in the Colony.	Remarks.
					Ticket-of-Leave Men.	Prisoners.			
"Ramillies" -	1854. August 7.	England and Gibraltar	277	1	157	119	3	273	

(Signed) M'BRYDE BROWN,
Registrar.
E. Y. W. HENDERSON,
Comptroller General.

Registrar's Office, Western Australia,
Fremantle, 31st December 1854.

No. 2.

RETURN of the Number of Convicts and Ticket-of-Leave Holders in Western Australia on the 31st December 1854.

English convicts on public works - - - -	239
Colonial ditto ditto - - - -	8
Ticket-of-leave holders under magisterial sentence - -	178
Ditto in hospital convict establishment -	6
Ditto on public works - - -	696
Ditto in private service - - -	1,036
Total in the colony on 31st December 1854 - -	2,163

M'BRYDE BROWN,
Registrar.
E. Y. W. HENDERSON,
Comptroller General.

Registrar's Office, Fremantle,
31st December 1854.

No. 3.

RETURN showing the General Distribution of 3,208 Prisoners and Ticket-of-Leave Holders for the Half Year ending 31st December 1854.

Prisoners.			Ticket-of-Leave Holders.																Disposed of.								
								Depôts.																			
English.	Colonial.	Total.	Re-convicted.	Private Service.	Sick in Hospital.	Road Parties.	Survey Parties.	Mount Eliza.	North Fremantle.	Freshwater Bay.	Guildford.	Toodyay.	York.	Bunbury.	Port Gregory.	Albany.	Total.	Free by Servitude.	Conditional Pardons.	Free Pardons.	Escaped.	Missing.	Deaths on Probation.	Deaths on Ticket-of-Leave.	Deaths on Passage.	Total.
239	8	247	178	1,036	6	31	9	61	92	24	181	92	85	54	15	52	1,916	10	892	5	5	2	39	67	25	1,045

RECAPITULATION.

Prisoners - - - - - -	247
Ticket-of-leave holders - - - -	1,916
Disposed of - - - - - -	1,045
Total - -	3,208

(Signed) M'BRYDE BROWN,
Registrar.
E. Y. W. HENDERSON,
Comptroller General.

Registrar's Office, Fremantle,
31st December 1854.

WESTERN AUSTRALIA.

No. 4.

ABSTRACT of Offences and Convictions in the Colony of Free and Ticket-of-Leave Men, comparatively, for the Half Year ending 31st December 1854.

Nature of Offence.	District.	Number of Persons brought before the Police.							
		Free.		Total.		Ticket-of-Leave.		Total.	
		Convicted.	Not convicted.	Convicted.	Not convicted.	Convicted.	Not convicted.	Convicted.	Not convicted.
Absconding	Fremantle	5	6			1	—		
"	Perth	—	—			3	1		
"	Toodyay	—	1			—	—		
"	York	—	—			9	—		
"	Wellington	1	—			1	—		
"	Plantagenet	5	—	11	7	1	—	15	1
Arson	Fremantle	1	—			—	—		
"	Toodyay	—	—			1	—		
"	York	—	—	1	—	2	—	3	—
Assault (common)	Fremantle	16	3			14	—		
"	Perth	8	—			12	—		
"	Toodyay	—	—			2	—		
"	York	5	—			5	—		
"	Wellington	—	2			1	—		
"	Plantagenet	4	—			2	—		
"	Swan	—	2	33	7	—	—	36	—
Assault to ravish	Toodyay	—	1	—	1	—	—	—	—
Assault with intent to rob	Swan	—	—	—	—	—	3	—	3
Burglary	Plantagenet	—	—	—	—	1	—	1	—
Drunkenness	Fremantle	86	12			68	9		
"	Perth	35	1			43	5		
"	Toodyay	9	—			8	—		
"	York	2	—			23	—		
"	Wellington	8	—			40	—		
"	Plantagenet	19	—			6	—		
"	Swan	15	2			79	5		
"	Champion Bay	1	—	175	15	4	—	271	19
Embezzlement	Champion Bay	—	—	—	—	3	—	3	—
Felony	Toodyay	7	2			2	1		
"	Plantagenet	2	1			—	—		
"	Swan	—	1	9	4	1	1	3	2
Forgery	Fremantle	1	—			—	—		
"	York	1	—			—	—		
"	Plantagenet	—	1	2	1	—	—	—	—
Illegally at large being armed	York	—	—	—	—	1	—	1	—
Larceny	Perth	4	1			10	7		
"	Wellington	2	—	6	1	1	1	11	8
Maliciously wounding cattle	Perth	1	—	1	—	—	—	—	—
Manslaughter	Champion Bay	—	1	—	1	—	—	—	—
Misdemeanor	Perth	42	12			16	6		
"	Toodyay	3	—			6	1		
"	York	—	4			21	4		
"	Wellington	2	—			1	—		
"	Plantagenet	9	1			6	—		
"	Champion Bay	—	—	56	17	2	—	52	11
Murder	York	—	—	—	—	1	—	1	—
Perjury	Perth	—	—			5	—		
"	York	—	—	—	—	1	—	6	—
Rape	Champion Bay	—	—	—	—	1	—	1	—
Robbery	Fremantle	16	7			24	9		
"	Perth	—	—			1	—		
"	Wellington	—	—			2	1		
"	Swan	—	1	16	8	—	1	27	11

[Abstract of Offences and Convictions, &c.—*continued.*

Nature of Offence.	District.	Number of Persons brought before the Police.							
		Free.		Total.		Ticket-of-Leave.		Total.	
		Convicted.	Not convicted.	Convicted.	Not convicted.	Convicted.	Not convicted.	Convicted.	Not convicted.
Sheep stealing - -	Toodyay -	—	1			—	—		
" - -	York - -	—	—			2	—		
" - -	Plantagenet -	9	—			—	—		
" - -	Swan - -	—	—			—	1		
" - - -	Champion Bay	—	—			—	1		
				9	1			2	2
Shooting with intent	Champion Bay	1	—			—	—		
				1	—			—	—
Stabbing with intent -	Plantagenet -	1	—			—	—		
				1	—			—	—
Stealing in a dwelling	Wellington -	—	—			—	1		
" "	Swan - -	—	4			5	—		
" "	Champion Bay	—	—			1	—		
				—	4			6	1
Not particularized -	Fremantle -	44	10			55	30		
" " -	Perth - -	—	—			20	8		
" " -	Toodyay -	4	3			5	—		
" " -	Swan - -	4	24			72	47		
" " -	Wellington -	5	3			48	3		
" " -	Plantagenet -	—	—			2	—		
" " -	Champion Bay	—	—			1	—		
				57	40			203	89
	Total -	- -	- -	378	107	- -	- -	642	147

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Compt. Gen.

Registrar's Office, Fremantle,
31st December 1854.

No. 5.

RETURN of the Number of Ticket-of-Leave Holders who have entered Private Service, showing the average Rate of Wages obtained in each District, during the Half Year ending 31st December 1854.

District.	Number of Ticket-of-Leave Holders who have entered Private Service.	Average Rate of Wages per Annum.	Number whose Rate has not been notified, including those working for themselves.
		£ s. d.	
Fremantle - - -	121	53 9 4	0
Perth - - -	128	41 10 4	131
Toodyay - - -	35	29 10 6	99
York - - -	86	23 2 0	35
Champion Bay - - -	30	32 5 4	51
Canning - - -	9	19 7 0	0
Vasse - - - -	21	17 14 6	0
Bunbury - - -	39	31 13 0	102
Plantagenet - - -	47	25 14 10	0
Swan - - -	92	24 4 9	0
Murray - - -	3	23 0 0	7

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Comptroller-General.

Registrar's Office, Fremantle,
31st December 1854.

WESTERN AUSTRALIA.

No. 6.

RETURN showing the Number of Ticket-of-Leave Holders who have obtained Permission to marry, during the Half Year ending 31st December 1854.

Reg. No.	Name.	Ship.
699	Hatch, William - - -	"Minden."
1,454	Cooper, William - - -	"Wm. Jardine."
1,721	Wood, James - - -	"Pyrenees," 2.
1,747	Becket, Robert - - -	"Pyrenees," 2.
2,030	Walsh, Michael - - -	"Robert Small."
2,049	Linehan, John - - -	Do.
2,322	Mackay, Michael - -	"Phœbe Dunbar."
2,641	Larkin, Thomas - - -	"Sea Park."

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Comptroller-General.

Registrar's Office, Fremantle,
31st December 1854.

No. 7.

RETURN of the Number, Cause, and Date of Deaths of Ticket-of-Leave Holders in the Colony, during the Half Year ending 31st December 2854.

Reg. No	Name.	Ship.	Nature of Disease.	Date of Death.	Remarks.
2,716	Dilkes, John -	"Sea Park" -	Dysentery - -	2 July 1854.	
509	Grey, George -	"Pyrenees" 1 -	Disease of heart -	8 " "	
1,738	White, Peter -	"Pyrenees" 2 -	Phthisis pulmonalia -	10 " "	
2,791	Gutteridge, George	"Sea Park" -	Mania - -	12 " "	
20	Porteous, Matthew -	"Scindian" -	Suicide - -	15 " "	
2,807	Scoular, George -	"Sea Park" -	Abscess and debility -	1 Aug. "	
2,688	Hargreaves, Wm. -	"Sea Park" -	Consumption -	15 Sept. "	
2,856	Bennett, Joseph -	"Sea Park" -	Killed - -	25 " "	By the falling of a branch of a tree.
1,695	Bishop, Edward -	"Dudbrook" -	Executed - -	12 Oct. "	For the murder of a Chinaman.
2,020	M'Ardle, Bernard -	"Robert Small -	Chronic inflammation of lungs -	22 " "	
516	Butcher, John -	"Pyrenees" 1 -	Drowned - -	22 " "	Upset in a boat at Port Gregory.
493	Degan, Francis -	"Pyrenees" 1 -	Drowned - -	26 Nov. "	While bathing in the River Swan.
2,336	Burke, James -	"Phœbe Dunbar"	Inflammation of lungs	7 Dec. "	
2,297	Colbert, Jeremiah -	"Robert Small"	Inflammation of lungs	8 " "	
1,736	Legge, Edward -	"Pyrenees" 2 -	Inflammation of bladder	19 " "	At Cape Riche, King George's Sound.
2,955	Clarke, John -	"Ramillies" -	Drowned - -	21 " "	While bathing at Guildford.
2,231	Hurley, Patrick -	"Robert Small"	Debility - -	24 " "	

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Comptroller-General.

Registrar's Office, Fremantle,
31st December 1854.

No. 8.

RETURN of Applications for the Wives and Families of Ticket-of-Leave Holders and Prisoners, for the Half Year ending 31st December 1854.

Reg. No.	Name.	By what Ship Transported.	Wife's Maiden Name.	Number of Children.	Date of Ticket in the Colony.
1,379	Hills, George - -	"Wm. Jardine"	Harriet King - -	None	14 March 1854.
1,382	Ratcliffe, Joseph -	"	Betty Hollingworth -	"	22 March 1854.
1,443	Gower Allan - -	"	Jane Carter - -	"	2 September 1855.
1,554	Haggerty, Thomas -	"Dudbrook"	Grace Cornwall - -	Two	22 December 1856.
1,561	Connolly, James -	"	Agnes O'Neal - -	Five	22 December 1856.
1,562	Goulden, Patrick -	"	Ellen Corerau - -	Two	12 July 1855.
1,573	Washington, John -	"	Mary Pimlott - -	None	3 April 1854.
1,625	Ormsby, Joseph -	"	Lydia Rigby - -	One	10 February 1854.
2,147	Morrissey, John -	"Robt. Small"	Margaret Brian -	Three	
2,469	Morrissey, Michael -	"Phe. Dunbar"	Margaret Cleary -	One	14 January 1855.
2,484	Stewart, John - -	"	Johanna Hannigan -	None	23 March 1854.
2,529	O'Neil, John - -	"	Mary Renedy - -	"	18 January 1855.
2,607	Kennedy, John -	"	Mary Murphy - -	Six	21 July 1854.

(Signed) M'BRYDE BROWN, Registrar.
Registrar's Office, Fremantle, E. Y. W. HENDERSON, Comptroller-General.
31st December 1854.

No. 9.

REPORTS of SUPERINTENDENT and ROMAN CATHOLIC CHAPLAIN.

Convict Establishment, Western Australia, Superintendent's Office,
Fremantle, 15th May 1855.

SIR,

I HAVE the honour to forward my Report for the half year ending 31st December 1854, together with various returns connected therewith; also a Report from the Roman Catholic Chaplain for the same period.

Duplicate copies of the above I shall do myself the honour to transmit in a few days.

I have, &c.

The Hon. the Comptroller General, THOMAS W. DIXON,
&c. &c. &c. Superintendent.

Superintendent's Office, Fremantle,
January 10, 1855.

SIR,

1. I DO myself the honour of transmitting you a Schedule of Returns depicting the transactions of this establishment during the half year ending 31st December 1854.

2. I also beg to hand you the following Report upon other specialties which could not be set forth in that form.

Conduct of Subordinate Officers.

3. The conduct of the subordinate officers of this establishment has been, upon the whole, satisfactory. I think I may venture to say there has been a slight improvement this half year in these respects over any of its predecessors. The arrival of three (3) officers per "Ramillies," 14th August 1854, and of eight (8) per "Esmeralda," 21st October 1854, I was disposed to hail, at the time, as a welcome accession to our strength; and I indulged the hope, a continuous stream of similarly trained warders from England would aid me in developing and applying the existing reformatory system of discipline.

I regret to say, that, so far as experience has yet shown, my anticipations of a more intelligent discharge of duties by these officers, viz., the "Ramillies" and "Esmeralda" men, have been disappointed. However, I shall carefully watch progress another six months, and then submit the result of more mature observation on this subject.

4. With officers of superior intelligence and capacity the business of this service could be conducted much more efficiently and successfully than I have yet witnessed, and a much smaller number would be required. It is not so much numbers we require as intelligence, judgment, and a practical acquaintance with prison duties, according to the advanced ideas of the age.

WESTERN AUSTRALIA.

Number and Disposal of Prisoners.

5. The number of prisoners within the prison on the 1st July 1854 was 563; by the "Ramillies" 276 were received; colonial prisoners, 1; ticket-of-leave holders under re-conviction in the police courts there were returned 155; admitted into the hospital, on medical recommendation, 112 ticket-of-leave holders; received, to await means of transport, 64 ticket-of-leave holders; making an aggregate of one thousand one hundred and seventy-one (1,171) prisoners of all classes. (Vide Returns, Nos. 2 and 5.)

Return No. 2.
Return No. 5.

6. They were disposed of thus:—Discharged on tickets of leave, 558; convalescent, 111; "en route," 64; by death, 7; leaving, probation prisoners, 239; re-convicted prisoners, 178; colonial prisoners, 8; ticket-of-leave holders in hospital, 6, on a prison population of four hundred and thirty-one (431) men, on the 31st December 1854.

7. The Returns indicated in the margin will supply additional data upon this head.

Return, No. 1.
Distribution, &c.

Sentences, and how carried out.

8. This being an Imperial prison, for the reception of Crown prisoners only, no particular remark need be made upon the question of sentences, seeing that they are all cases of transportation for determined periods.

9. The manner in which such sentences are carried out is in strrict conformity with the rules promulgated by the Home Government. I am happy to add, that the application of such rules appears to realize something of the hopes of their projectors, in the moral and industrial improvement of the men; but it must be borne in mind that a radical reformation of the criminal—the true end of all enlightened penal science—is a work of time, and can only, in a prison, be counted upon relatively and to a certain degree, for this reason, namely, that reclamation is a work or the growth of time, and requires careful direction, and testing under various circumstances and conditions. I have felt anxious to see the classification system of the establishment extended to men on tickets of leave, being assured that the closer supervision which that system would supply, the substantive benefits it holds out to circumspect conduct, and the conviction upon the part of the supervised that they were still subject to a species of moral discipline, could not fail to foster and strengthen those habits of self-control, prudence, industry, and good manners which we strive to induct while the men in question are within these walls.

10. Re-convicted prisoners received sentences of imprisonment with hard labor, with or without chains, according to the nature of the offence, varying from one month to three years.

11. I should like to see the abolition of chains upon men. During the half year under review there have been seventy-eight (78) men kept under the magisterial sentence in chains. I amcertain they—the chains—supply no additional security, and only irritate the wearers by a sense of the degradation they are supposed to imply. While such feelings last all hopes of working an improvement in the offender are illusory. The men lose self-respect, or that little which may remain to them, and they become hardened and indifferent.

12. In the new prison it is contemplated to confine all re-convicted men in separate cells; hence, the less necessity for the use of chains. In England they are but rarely used, and then in only extreme cases. Here, the chances of escape being fewer, the need is less.

Treatment of Prisoners.

13. Under the head of "treatment of prisoners" I have the honour to state that that system of mild but firm discipline which the Government desires is still persevered in. Cleanliness, regularity, and order are rigidly exacted. And taking that relative view which I have pointed out in the preceding paragraph (No. 9), I consider the intentions of the Legislature are in some measure realized. As time progresses, and we remove into the new prison, I hope to see a more perfect development of the wishes of the Government.

Dietary.

14. The scale of dietary established in February 1854 appears to work well; but experience has much modified my views with regard to the propriety of having a differential scale of diet for probation and re-convicted prisoners. The established scale is shewn in Appendix B. It seems to me that if we require a fair day's work, according to a set task,—and in some respects, in order to entitle a man to the "Ex" class, we demand an excess over and above the set task—I then consider we should give an ample, not an excessive nor an extravagant, supply of plain nutritious food. And if to the required task of daily labour we add a more rigid system of discipline (which justly as a deterrent and a punishment re-convicted men should be amenable to), I cannot but think, to support the physical powers under such distressing influences, the full extent of diet conceded in the establishment should be given to these, the re-convicted men. Most certainly, if the established ration for the probation prisoners be considered just so much as is required to replace the daily waste in the body by labour, &c., then the adoption of a lower scale for a different class of prisoners, who are, however, obliged to put in the same ratio

Appendix B.
Dietary.

of labour, must be pronounced decidedly irrational. For these reasons I consider the present system erroneous in principle; but, looking at it in practice (if the hospital statistics be taken as supplying data upon the question), I would beg permission to lay before you the following analysis of the sick returns for last month:—

15. Out of a prison population of 169 re-convicted men, there were 66 in hospital, or $39\frac{9}{169}$ per cent. upon the aggregate. Of probation prisoners, there were 264 in the prison, and 33 in hospital, or $12\frac{1}{2}$ per cent.

16. It is not my province to treat upon the medical aspects of the qustion, but these facts appear so pertinent to the matter under review that I cannot permit it to pass without addressing your attention thereto.

Species of Labour.

17. The prisoners were employed during the half year in the manner shewn upon Return No. 3. As previously reported, the number of hours' labour constituting a day's work is regulated at 9, throughout the year, which regulation experience has shewn to be a fair allocation.

Return No. 3.

Daily Average, &c.

18. The daily average of men, for labour, was as 452; of sick, $44\frac{129}{157}$; value of labour bestowed upon the works, as 10,863*l.* sterling. The Returns indicated in the margin will supply copious details upon this head.

Increase in the Number of Sick.

19. I cannot, however, close the subject without noticing, incidentally, the extraordinary increase in the percentage of sick; and perhaps the circumstance of my being held responsible for a due supervision over every department of the establishment may be considered as imposing upon me the duty of drawing your attention to so important an occurrence.

20. During the latter three months of 1852, when our numbers were somewhat the same as at the present time the proportion was as follows:—

Month.	Number of Prisoners.	Sick Days lost.	Convalescent Days lost.	Daily Loss on the aggregate by Sickness.
Oct. 1852 -	492	451	103	$21\frac{8}{26}$
Nov. „ -	471	574	215	$30\frac{9}{26}$
Dec. „ -	474	729	246	$37\frac{13}{26}$
Now it is—				
Oct. 1854 -	495	1,006	$226\frac{2}{9}$	$47\frac{10}{26}$
Nov. „ -	478	$824\frac{2}{9}$	$765\frac{6}{9}$	$61\frac{3}{26}$
Dec. „ -	463	$878\frac{1}{9}$	$627\frac{1}{9}$	$57\frac{21}{26}$

21. Whether this may be attributed to local causes, or to an inferiority in the class of prisoners, it may not be my duty to inquire. I simply beg to point out the fact for your consideration.

Condition of Buildings.

22. The temporary buildings forming the present prison, considering that they are but tenanted pending the completion of the permanent one, are in a satisfactory condition. Of course there are many things which might be taken exception to, such as association by night, ill ventilation, the inability to completely isolate re-convicted prisoners, invalids, lunatics, and probationers from one another; but viewing the cleanliness, order, and regularity observable in every department, I cannot do other than esteem matters to be in a creditable condition. I append extracts from the "Visiting Justices' Journal," and from the "Visitors' Book."

Return No. 7 will exhibit the accommodation afforded in the prison buildings.

Return No. 8, the number of vacancies on the 31st December 1854.

Return No. 7. Accommodation.

Return No. 8. Vacancies.

Attempts at Escape.

23. There have been two of these imbecile attempts during the half year, but, as may be inferred, without success. Indeed, the utter hopelessness of succeeding in such attempts protects us against much of this variety of prison crime.

24. The first of these cases occurred on the 12th August 1854, when a man, a re-convicted prisoner (Reg. 63, T.R.R., ex "Scindian," June 1850), absconded from the works. He was recaptured the following day. On examination, and after careful medical observation, he was found to be lunatic.

25. The second case occurred 21st September 1854, when two men, probation prisoners (Reg. 3,177, G.B., and 3,123, G.H., both ex "Ramillies," August 1854), absconded from

WESTERN AUSTRALIA.

the works. They were retaken within ten minutes afterwards, and received sentences of three weeks in the cells and six months' hard labour in chains. According to returns received from England, they were very bad charactered men.

28. It may be as well to add, that, under his Excellency's directions, whatever expense may be incurred in effecting these re-captures are made debts, to be liquidated or re-funded by the runaways. This regulation may have some effect in deterring the silly and licentious from making such vexatious attempts. Vide Appendix A.

Appendix A.

General State of Prisoners as to Morals, &c.

27. The question of the general state of the prisoners as to morals, &c. must be approached with much circumspection. As our instructions declare, "It is not to be "expected that persons of criminal habits should possess command of their tempers, or "a nice sense of moral duty." Instruction and discipline, founded upon moral principles, or rather the application of moral forces, not forgetting, however, the deterrent requirements of punishment, may do much towards reclamation. But it must be recollected, as I have before observed, the eradication of old habits and the implanting of new are tasks requiring time and judicious government. At best, the requisite appliances we imperfectly possess. That qualified isolation, now held so necessary by prison legists, is not as yet at our disposal. Hence a view of the moral condition of the prisoners upon the establishment must be taken relatively and comparatively. Regarding it thus, I must pronounce it satisfactory, in every sense of the word.

Offences and Punishments.

Return No. 5.

28. Taking the records of offences (vide Return No. 5) as indices upon this topic, I would point out that the majority are merely breaches of regulations, involving no imputation of moral turpitude.

29. The aggregate of offences shewn upon this return may be distributed thus:—

101	were reported	once.
17	,,	twice.
9	,,	thrice.
3	,,	four times.
3	,,	five times.
1	,,	seven times.

84 offences were committed by probation prisoners, and 50 by re-convicted men.

30. The total number of prisoners upon the establishment during the half year embraced by this Report being 1,171, and the daily average 496½, if we compute the daily average of prison crime by cases, it will give about $\frac{180}{184}$ per diem; if by individuals, it will be $\frac{7}{10}$ per diem upon the aggregate. That this demonstrates a fair character forgood behaviour, &c. upon the part of the population of the prison, I think we may fairly aver; and this satisfactory result I attribute solely to the sound principles on which we essay to conduct the disciplinary business of the establishment.

31. I regret, however, to record that we had to inflict the punishment of flagellation thrice during the half year. Two of these cases were for aggravated assaults upon officers; the other one was for theft; each of these men being of incorrigibly bad character. (Vide Return No. 6.)

Return No. 6.
Corporal Punishments.

Discipline.

32. The discipline enforced at this establishment has been described in previous Reports. I decidedly consider the employment of probation prisoners at out-stations, under a less rigid discipline, for a certain period before receiving a ticket of leave, an excellent preparation for the life they are about to commence. I must repeat my regret circumstances necessitated these probation stations being broken up. It is certain that not only did the probation prisoners so located conduct themselves exemplarily, work well, and improve, but, in the majority of instances, they have kept up their character since the receipt of tickets of leave.

Employment.

Return No. 3.
Employment.

33. Return No. 3 sets forth the employment upon which prisoners of the Crown have been engaged during the half year. I believe I am warranted in saying that their general industry and application has been to the satisfaction of the Royal Engineers' department.

General Remarks.

34. The increasing number of ticket-of-leave men, some of them labouring under serious attacks of ophthalmia, and others suffering from mental derangement, appears to me to render it desirable some depôt should be formed for the special reception of such unfortunates. The immediate proximity of Fresh Water Bay Station to head quarters, and its being sufficiently removed from the towns to prevent a too frequent access, might perhaps recommend it as peculiarly eligible for the purpose. Upon the question of its relative salubrity the principal medical officer can best pronounce

Classification System at Chief Establishment.

35. The working of the classification system at the chief establishment continues to act satisfactorily.

36. Observation, however, has shown me the details of working may be improved, as refers to the method of adjudging classes.

37. I therefore had the honour of submitting a plan, in November last, setting forth a way for multiplying checks, in order to get at a precise character of the prisoner, without the chances of preferences of an undue nature. Thus:—

38. (1.) I propose the officers in charge of working parties should make returns of each man, as respects the performance of the set task, which, under every practical circumstance, I think should be observed. Of course I require the officers to report behaviour. These reports would be collated with the returns of the Royal Engineers' office.

39. (2.) I require division warders to report, according to a prescribed form, the conduct of prisoners at home, or "within" the walls of the prison; thus getting at their conduct "outside" and "in."

40. (3.) I demand a personal report from the schoolmasters, showing the conduct, application, and progress of each prisoner at school.

41. (4.) I determined to make a quarterly allocation of classes, aided by the chaplain, whose personal knowledge of the character of the prisoners, morally considered, would be of importance in arriving at a proper decision.

42. Such decision would be based upon an average of the whole, governed by personal observation.

43. To carry out this plan, and to show the return from each department, would require but slight alterations in the forms of the books, and could involve no expense. The way the alteration is to be effected I have already had the honour of submitting to you.

44. I further propose the issue of badges, agreeable to classification. Their effect, according to the experience of English prisons, is most salutary.

I also proposed a modification in the class of constables, dividing them into three subdivisions or classes. This I think would stimulate them to increased exertion, in order to achieve the highest grade, and the plan would consequently have a beneficial effect. I also hold out the boon of employment in similar capacities at the hiring depôts to the first-class constables, on receipt of tickets of leave. As a piece of policy, I consider this practice deserving of particular attention, seeing that the enlistment of the sympathies and services of the best and most able of the convict body on the side of order and the Government cannot fail to operate beneficially as respects its influence over any licentious or lawless tendencies.

Rules and Regulations.

45. The rules and regulations for the government of the chief establishment have received my most studious attention. A revision, in order to adapt them to the nature of the convict service in this colony, is progressing with all practicable despatch, due care being taken to guard against precipitate or ill-digested orders. Shortly I hope to submit them to your consideration.

Tickets of Leave Re-convicted.

46. I regret having to notice the rapid increase in the number of re-convicted ticket-of-leave holders. It may be that the enlarged number of prisoners of the Crown now upon ticket accounts for the additions made to that class returned to the establishment, still, although the percentage of re-convictions among the general body at large does not appear to exceed the well-understood average, I yet view with apprehension the maintenance of that average, and that, with our more matured experience in the management of prisoners, the percentage has not been reduced. The causes of this non-diminution have occupied much of my attention. One of them appears to be the want of homes. It is notorious that ticket-of-leave holders encounter the greatest difficulty in the attempt to find accommodation, and the result is, they become huddled together in habitations of the most uncomfortable description; they are, in consequence, driven to public houses, because of their superior comforts; they thus become associated with the worst of their class, and perhaps, from the isolation of their social position, become drawn into excesses and crime, and eventually get returned to the establishment.

Assumed Causes.

This I really believe is a history of nine tenths of the men received under magisterial re-conviction.

Lodging Houses.

47. To remedy this one evil, I have directed my attention to the practibility of establishing lodging houses, which, although liable to the objection of too much clustering Crown prisoners together, yet might prove antidotes to the public houses, and perhaps be self supporting. I do not contemplate involving the Government in any expense on this project, although it should receive its countenance and moral support. Plans and details of project shall be submitted so soon as time and opportunity enable them to be completed.

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Savings Bank.

48. The practicability of the establishment of a savings' bank, in connection with or under the patronage of the Government, long presented itself to my mind as an important adjunct in our scheme of moral reform. It is certain such an institution goes a great way towards fostering habits of providence and thrift; virtues very rarely associated with criminal pursuits; and I hail with much satisfaction the recent project of his Excellency to supply us with these valuable blessings. I really trust the bank will be conducted in a liberal spirit, and its moral effects will be of the most decided character.

Schools, &c.

49. The protracted illness of the Rev. Mr. Brown precludes a report from that officer, in reference to the moral progress of the prisoners confided to his spiritual care.

50. I do myself the honour of making a rapid comment upon the educational progress of the men under our charge during the late six months.

51. The reports of the schoolmasters go to show an improvement among the men; but it must be understood that with adults educational progress is and must be slow.

Schoolmaster's Returns. Nos. 9 and 10.

The two returns supplied by the principal schoolmaster may supply satisfactory information on this topic.

52. The schools appear to go on favourably; and I have no doubt when we get to the new prison, with the improvements we propose, greater success will be effected.

53. I am of opinion some attempt might be made towards organizing classes during the evening, on the mutual instruction principle. Plans, with this object in view, I hope shortly to submit.

Lectures.

54. I regret to say the scheme of "lectures" has languished for want of means, appliances, and contributors to carry them on.

Colonial Probation.

55. In conclusion, I must repeat that I am more than ever convinced of the necessity for requiring a certain colonial probation from every convict who arrives in this province. Taking, for example, the ticket-of-leave men who arrived by the "Ramillies," and placing them in juxtaposition with the probation men per "William Jardine," the result is as shown upon Appendix C; that is, in the one case, the "Jardine," the re-convictions were as 4·303 per annum, and in that of the "Ramillies" it was 51·393 during a like period. The Gibraltar men, per "Ramillies," I must pronounce a very badly trained, licentious lot; but how much of this is to be attributed to a different system of discipline—a system of unqualified coercion rather than of moral training—is a question which perhaps it may be indelicate here to discuss; suffice it to say, that the evidences are decidedly in favour of the latter plan.

Appendix C.

Conclusion.

56. I have the honour to request you will be pleased to renew to his Excellency the Governor my acknowledgments for his unvarying attention to any suggestions for the improvement of this service which it may have been my duty to submit to him. Perhaps the likely circumstance of this being the probably last half-yearly report I shall have the honour of submitting, in consequence of his early retirement from this colony, may warrant my drawing attention to the interesting fact, that the convict establishment in Western Australia was formed during Captain Fitzgerald's government, and decidedly to his careful watchfulness over its rise and progress may be attributed its present satisfactory condition. I think my official connection with the convict establishment from its commencement in 1850 may justify my saying this much, and I sincerely trust we shall in Captain Fitzgerald's successor find an equally judicious and faithful friend.

57. I beg to tender for your own personal acceptance my warmest thanks, in recognition of numberless marks of confidence and support.

58. The visiting justices, and the visiting magistrate, T. Brown, Esq., demand my thanks, for the great assistance they have rendered during the half year under notice.

59. I have to deplore the state of the health of the Rev. James Brown, M.A., chaplain of the establishment, necessitates his retirement from this service. I regret this exceedingly, insomuch as the ministrations of that gentleman tended greatly to the progress of of the establishment. His untiring attention to the duties of his office commands my best acknowledgments, and I cannot too strongly express my sorrow circumstances should deprive us of services which could not but largely contribute towards the success of this important experiment. A laborious clergyman, whose heart is enlisted in the task, is of incalculable value in an establishment of this character. Admonitions from such an one, possessing at he would the influence springing from ecclesiastical position, are important aids in maintaining discipline, and in generating improved habits of feeling among prisoners. I truly hope we shall be so happy as to obtain such another clerical officer in the Rev. Mr. Brown's successor as he has proved himself to be.

I have, &c.

(Signed) THOMAS H. DIXON,
Superintendent.

To the Hon. the Comptroller-General,
&c. &c. &c.

Appendix A.

Copy of Notice suspended in the Divisions of the Chief Establishment at Fremantle, Western Australia.

By an order of his Excellency the Governor, dated 2d January 1855, all prisoners of the Crown whose misconduct may entail upon themselves the punishment of flogging will forfeit every claim to the indulgence held out in the notification usually suspended in the cells; consequently they will be required to serve the full period of their sentence, unless under very special recommendation to his Excellency the Governor.

In cases of assaults upon officers, prisoners so committing themselves will have to serve, not only the additional imprisonment awarded by the magistrate, but also the full period of their original sentence of transportation.

In cases of attempted escape the offenders will be required to defray the cost of recapture. In the instances of probation prisoners such cost will be deducted from private monies and gratuities; in those of re-convicted prisoners, it will be charged to passage account, and until it be paid the boon of a conditional pardon will not be granted.

Moreover, in every case of corporal punishment, the prisoner receiving such corporal punishment will be required to pay the cost of infliction, which cost will be stopped or charged in the same way as above declared.

Appendix B.

Authorized Scale of Dietary.

Probation Prisoners.

Breakfast.	Dinner.	Supper.	—
$\frac{1}{6}$ oz. tea* $\frac{3}{4}$ oz. sugar 12 ozs. bread * In lieu of tea, once per week, $\frac{3}{4}$ oz. cocoa.	14 ozs. meat, uncooked, and with bone 16 ozs. potatoes, uncooked 6 oz. bread $\frac{1}{2}$ oz. salt $\frac{1}{4}$ dram pepper 1 oz. rice, barley, or oatmeal, for soup	$\frac{1}{6}$ oz. tea $\frac{3}{4}$ oz. sugar 8 ozs. bread	$\frac{10}{16}$ oz. soap.

Re-convicted Prisoners.

$\frac{1}{6}$ oz. tea $\frac{3}{4}$ oz. sugar 12 ozs. bread	10 ozs. meat, uncooked, and with bone 16 oz. potatoes, uncooked $\frac{1}{2}$ oz. salt $\frac{1}{4}$ dram pepper 1 oz. rice, barley, or oatmeal, for soup	$\frac{1}{6}$ oz. tea $\frac{3}{4}$ oz. sugar 8 ozs. bre ad	$\frac{10}{16}$ oz. soap.

In the winter months (from May to September) each party receives an additional two ounces of meat per man.

This return is principally inserted to shew the different rations issued to prisoners, who are certainly distinct, as respects class, but are yet employed in hard labour, and are equally required to render one and the same task.

Appendix C.

Comparative View of the Number of Re-convictions among Prisoners received per Two Ships, the one exclusively "Probation," and the other partly "Ticket-of-Leave."

Ship's Name.	Date of Arrival.	Whether Probationary or Ticket-of-Leave.	Number of Probationary Prisoners.	Number of Ticket-of-Leave.	Date and Number of Discharges on Ticket-of-Leave.	Date and Number of Discharges on Ticket-of-Leave.	Number of Re-convictions.	Relative Percentage.	General Remarks.
Wm. Jardine	August 2, 1852.	Probation	212	0	55 during year 1853.	122 during year 1854.	17	9·107	During two years, or 4·303 per annum.
Ramillies -	August 7, 1854.	Mixed -	119	157 Gibraltar Men.	0 during year 1853.	157 during year 1854.	28	17·131	During four months, or 51·393 per annum.

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SCHEDULE of Returns furnished in illustration of the Superintendent of Convicts Half-yearly Report.

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THOMAS W. DIXON,
Superintendent.

Superintendent's Office, Fremantle,
10th January 1855.

RETURN No. 1, shewing the Distribution, &c. on the 31st December 1854.

Depôt.	Officers.													Schoolmasters.	Prisoners.							Total.
	Superintendent.	Chaplain.	R. Cath. Chaplain	Surgeon.	Deputy Superintendent.	Steward.	Clerks.	Chief Warder.	Principal Warders.	Warders.	Assistant Warders.	Probation Warders.	Messenger.		In Separation.	On the Public Works.	In Hospital.	Convalescent.	Excused Work.	School.	Under Punishment.	
Chief Establishment, Fremantle, W. A.	1	1	1	1	1	1	6	1	2	9	29	14	1	2	9	373	21	4	8	16	0	431
Branch :— North Fremantle, Fresh Water Bay, Guildford, York, Green Mount, Toodyay do.	„	At present occupied as Ticket-of-leave hiring stations.																				

(Signed) THOMAS W. DIXON, Superintendent.

Superintendent's Office, Fremantle,
10th January 1855.

RETURN No. 2, showing the Names of Colonial Covnicts received into the Establishment during the Half Year ending 31st December 1855.

Reg.	Names.	Convicted.		Nature of Offence.	Sentence.
		When.	Where.		
2,931	Edwin Gatehouse	5 July 1854	Perth, W.A.	Sodomy	Imprisonment for life in irons, with one year separate confinement.

(Signed) THOMAS W. DIXON, Superintendent.

Superintendent's Office, Fremantle,
31st January 1855.

RETURN No. 3, showing an Abstract of the Labour exacted, and the Works upon which it was employed, during the Half Year ending 31st December 1854.

Trades.	Number of Days.	Description of Employment.	Amount of Work performed when it can be shown.	Amount of Work required per Man per Diem.	Excess.	Deficit.	Rate.	Value. £ s. d.
Carpenters - - -	1,349$\frac{7}{9}$	Employed in the carpenter and joiner work required for the under-mentioned buildings, in progress of erection, viz., new prison, kitchen, &c., entrance buildings (comprising gatekeeper's quarters, deputy superintendent's quarters, and superintendent's quarters), eighteen separate cells, laying flooring of North Beach jetty, incidental repairs to permanent buildings, hired prison workshops, making and repairing barrack and office furniture, repairing waggons, carts, wheelbarrows, handbarrows, mortar hods, &c. &c. &c. - - - - -	- -	A fair day's work -	- -	- -	6*s.* per diem -	404 18 8
Masons - - -	1,998	Employed cutting stone and building walls of new prison - -	- -	Idem -	- -	- -	6*s.* ,, - -	599 8 0
Sawyers - - -	3,127$\frac{1}{3}$	Sawing mahogany timber (logs and flitches) into boards, scantlings, &c., required in the erection of the above-mentioned works, also piles for jetty in South Bay - - - -	97,862 sup.	30 sup.	1·10 sup.	-	6*s.* ,, - -	938 4 0
Smiths - - -	1,504$\frac{1}{3}$	Making iron work required for the above works, repairing and sharpening masons', quarrymens', and labourers' tools; making and repairing iron work for waggons, carts, wheelbarrows, and mortar hods; making lamps, lamp brackets, bolts and nuts, iron and copper spikes, nails, rivets, washers, hinges, window bars, pile shoes, ventilators, hooks and eyes, grinding and cutting files, repairing harness mountings, tin ware, fire arms, &c. &c. &c.	- -	A fair day's work.	- -	- -	6*s.* ,, - -	451 6 0
Painters - - -	103$\frac{1}{3}$	Painting wash-house at Pensioners' Barracks; priming and glazing sashes; incidental repairs to permanent buildings; painting office and barrack furniture; making putty, grinding colours, cleaning tools, and assisting Sapper plumber - - -	- -	Idem.	- -	- -	6*s.* ,, - -	31 1 0
Quarrymen - -	134,353	Quarrying stone in new prison quarry, burning lime, &c. -	16,560 bush. lime 782 loads wood	1 cubic yard, 7$\frac{1}{2}$ bush lime, 2 loads wood,	5$\frac{1}{2}$ bushels	$\frac{51}{100}$ load -	3*s* ,, - -	2,015 6 0
Labourers - - -	22,125	Employed attending masons, plasterers, carpenters, sawyers, blacksmith; making mortar; running putty; raising water; laying sleepers and rails in tramroad; loading waggons, trucks, carts with stone, timber, rubbish, &c.; wheeling rubbish from quarry to esplanade, burning charcoal, lime, &c.; stacking timber, sinking well, and driving gallery for sewer at north end of new prison -	- -	A fair day's work -	- -	- -	3*s.* ,, - -	3,318 17 0
							Carried forward -	7,759 0 8

RETURN No. 3, showing an Abstract of the Labour exacted, &c., during the Half-year ending 31st December 1854—*continued.*

Trades.	Number of Days.	Description of Employment.	Amount of Work performed when it can be shown.	Amount of Work required per Man per Diem.	Excess.	Deficit.	Rate.	Value. £ s. d.
							Brought forward -	7,759 0 8
Carters and Grooms -	1,809 8/9	Employed driving commissariat horses; drawing waggons, trucks, carts; removing rubbish; carting stone, lime, mortar, bricks, timber, and other materials - - - - -	- -	A fair day's work -	- -	- -	3s. per di m. -	271 9 8
Prison work - - -	6,102 8/9	Employed as writers, storemen, cleaners, barbers, lamp trimmers and lighters, school orderlies, constables, hospital attendants, &c. -	- -	Idem - -	- -	- -	3s. „ - -	915 8 8
Tailors, &c. - -	2,293	Employed making and repairing clothing for prison and ticket-of-leave equipments; service; making beds; repairing ditto, hammocks, &c. - - - - - -	- -	Idem - -	- -	- -	3s. „ - -	358 19 0
Shoemakers - -	2,101	Employed making and repairing shoes, belts, &c. for the same service, also harness, &c. &c. - - - -	- -	Idem - -	- -	- -	3s. „ - -	315 3 0
Cooks - - -	1,279	Employed assisting warder cook in the preparation of rations for the prison, out-station, &c.; cleaning kitchen, culinary and meat utensils, &c. &c. - - - - -	- -	Idem - -	- -	- -	3s. „ - -	191 17 0
Bakers - - -	847	Employed under warder baker in bakeries, &c. &c. - -	- -	Idem - -	- -	- -	3s. „ - -	127 1 0
Washers - - -	2,217	Employed in laundries, washing clothing, bedding, &c. &c. -	- -	Idem - -	- -	- -	3s. „ - -	332 11 0
Woodcutters - -	853	Cutting firewood for use of prison, &c. - - -	- -	Idem -	- -	- -	3s. „ - -	128 0 0
Separate cells - -	3,362	Employed tailoring, shoemaking, mending, &c. - - -	- -	Idem - -	- -	- -	2s. „ - -	336 4 0
Separation ward - -	1,273	Idem - - - - - -	- -	Idem - -	- -	- -	2s. „ - -	127 6 0
School - - -	3,863 7/9	Instructed in reading, writing, and arithmetic, &c. &c. - -	Non-effectives.					
Sick - - -	5,192 1/3	Under medical treatment in hospital - - -						
Convalescent - -	1,846	Idem recovering, insane, infirm, &c. &c. -						
Under punishment for prison offences -	457 2/9	- - - - - - -						
				Aggregate money value of labour, at the colonial market price -				£10,863 0 0

THOMAS H. DIXON,
Superintendent.

RETURN No. 4, showing the Working Parties of Prisoners upon the above Establishment on the 31st December 1851.

Depot.	Parties.	Effectives.																				Non-effectives.					Total.	Remarks.
		Quarrymen.	Masons.	Carpenters.	Smiths.	Sawyers.	Shoemakers.	Tailors.	Laundrymen.	Cooks.	Bakers.	Carters and Grooms.	Labourers.	Prison Orderlies.	Writers.	Storemen.	Hospital Men.	Water Carriers.	Woodcutters.	Commissariat.	In separation.	School.	Sick.	Convalescent.	Excused Work.	Under Punishment.		
	Nos.																											
Chief Establishment, Fremantle.	1, 2, 3, 4,	135	—	—	—	—	—	—	—	—	—	—	59	—	—	—		—	—	—	—	—	—	—	—	—	194	
	5, 6, 7,	—	10	7	14	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	31	
	8,	—	—	—	—	28	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	28	
	9, 10,	—	—	—	—	—	15	15	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	30	
	11, 12, 13,	—	—	—	—	—	—	—	13	8	4	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	27	
	14,	—	—	—	—	—	—	—	—	—	—	12	—	—	—	—	—	—	—	—	—	—	—	—	—	—	12	
	15,	—	—	—	—	—	—	—	—	—	—	—	—	34	—	—	—	—	4	—	—	—	—	—	—	—	38	
	16,	—	—	—	—	—	—	—	—	—	—	—	—	—	2	3	—	—	—	—	—	—	—	—	—	—	5	
	17,	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—	—	—	—	—	—	—	—	—	4	
	18,	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—	—	—	—	—	—	4	
	19,	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	9	—	—	—	—	—	9	
	20, 21.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	16	21	4	8	0	49	
Branch No. Fremantle.		At present occupied as T.-of-L. hiring stations.																										
" Fresh Water Bay.										—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
" Guildford.																												
" York, Green Mount.										—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
" Toodyay do.																												
	Total - -	135	10	7	14	28	15	15	13	8	4	12	59	34	2	3	4	2	4	4	9	16	21	4	8	0	431	

(Signed) THOMAS H. DIXON, Superintendent.

RETURN No. 5, showing the Number and Description of Offences, &c. committed by Prisoners of the Crown upon the above Establishment, with other Statistical Data relating thereto, for the Half Year ending 31st December 1854.

Total Number of Convicts at the Commencement of Half Year.	Total Number received during Half Year.	Total Number and other Data.	Number and Description of Prison Offences during the Half Year.	Number and Description of Punishments inflicted by the Superintendent.	Number and Description of Punishments inflicted by the Visiting Magistrate.	General Conduct of Prisoners upon the Works.	General Conduct of Prisoners "within" the Prison.	Daily Average of Sick.
Probation prisoners: 443	276	1171	191	162	29	Exemplary.	Taking a relative view of the question, the general conduct of the prisoners has been decidedly exemplary.	$44\frac{129}{157}$
Re-convicted prisoners: 113	155		28 Disobedience of orders	4 Admonished 13 Bread and water 1 to 3 days. 2 Class reduced. 1 Returned to separate confinement. 3 Time extended. 4 Tobacco stopped.	1 Bread and water 7 days.			
Colonial prisoners: 7	1		21 Impertinence	3 Admonished 10 Bread and water 1 to 3 days 1 Tobacco stopped 1 Placed in handcuffs. 2 Class reduced.	1 Admonished. 3 Bread and water 7, 10, and 21 days.			
Ticket-of-leave holders in hospital: 10	112		26 Idleness	2 Admonished 12 Bread and water 1 to 3 days. 11 Class reduced.	1 Bread and water 14 days.			
Ticket-of-leave holders in "transitu:" 0	64		8 Insubordination	1 Bread and water 3 days 1 Class reduced 3 months 1 Admonished	2 100 lashes each. 1 Birched. 3 Bread and water 7 and 21 days.			
Monthly Declaration: July 1 - 563		Daily average, $496\frac{1}{2}$ during the half year.	7 Disrespect to officers	4 Bread and water 1 to 3 days. 1 Tobacco stopped. 1 Class reduced.				
August 1 - 459			13 Threatening language	10 Bread and water 2 and 3 days. 3 Class reduced.				
September 1 - 522			3 Intoxication	-	3 Bread and water 14 days.			
October 1 - 495			12 Disorderly conduct	3 Bread and water 2 and 3 days 5 Class reduced	1 Admonished. 3 Bread and water 7 and 10 days.			
November 1 - 478			8 Irreverence at prayers	4 Admonished. 4 Class reduced.				
December 1 - 462			5 Not observing silence	4 Bread and water 1 and 2 days. 1 Class reduced.				
Number of prisoners reported for misconduct - 134 Of whom,— 82 were probation, 2 colonial, and 50 re-convicted prisoners.			8 Smoking contrary to regulations	4 Bread and water 1 to 3 days. 2 Class reduced. 2 Tobacco stopped.				
			21 Having prohibited articles	3 Admonished 5 Bread and water 1 to 3 days. 8 Class reduced. 1 Returned to separate cells.	4 Bread and water 7 and 21 days.			
			15 Having money in possession	1 Admonished 1 Returned to separate cells. 9 Class reduced.	2 Bread and water 7 days.			
			5 Neglect as constable	1 Admonished 1 Suspended. 2 Reduced.	1 Suspended 3 months.			
			1 Destroying prison property	-	1 Bread and water 21 days.			
			1 Theft	-	1 100 lashes.			
			10 Minor offences	4 Bread and water 1 to 3 days. 3 Class reduced. 2 Admonished. 1 To pay damage.				
			1 Offering a bribe to an officer	-	1 Bread and water 21 days.			
			191	162	29			

Analysis of Prison Offences.

Probation prisoners.	Re-convicted prisoners.	
69	32	reported once.
11	6	" twice.
2	7	" thrice.
–	3	" four times.
2	1	" five "
–	–	" six "
–	1	" seven "
84	50	
134		

GENERAL REMARKS.—Number without overt misconduct, 1,037. Offenders per diem, ·759, or about $\frac{7}{10}$ per cent. Offences per diem, 1·80, or $1\frac{80}{194}$ per cent. Offences per re-convicted prisoners during half year, 18·176, or $18\frac{44}{67}$ per cent. Offences per probation prisoners during half year, 9·273, or $9\frac{273}{968}$ per cent. Aggregate of offenders during half year, $11\frac{519}{1171}$ per cent.

THOMAS H. DIXON, Superintendent.

MONTHLY TABULATION of Prison Offences during the Half Year, distinguishing the Ships by which the Offenders were received.

Name of Ship.	"W. Jardine," 31 July 1852.	"Dudbrook," 10 Feb. 1853.	"R. Small," 31 Aug. 1853.	"P. Dunbar," 31 Aug. 1853.	"Godwyn." 28 Mar. 1854.	"Ramillies." 7 Aug. 1854.	Colonial Prisoners.	T. of L. in Orders for Transport.	Re-convicted Prisoners.	T. of L. Invalids.	Total.	General Remarks.
Number of prisoners during half year.	81	35	144	158	15	276	8	64	268	122	1,171	Individuals.
July - -	3	2	6	11	–	–	1	–	19	–	42	
August - -	2	1	4	2	1	1	–	–	23	–	34	
September -	4	5	3	4	–	4	–	–	18	–	38	
October - -	–	3	–	3	1	1	–	–	4	–	12	
November - -	2	4	–	2	5	5	–	–	13	–	31	
December - -	4	5	–	1	1	10	1	–	12	–	34	
Total - -	15	20	13	23	8	21	2	–	89	–	191	Offences.
Prisoners remaining on 31st Dec. 1854.	40	22	19	27	14	117	8	–	178	6	431	Individuals.

THOMAS H. DIXON,
Superintendent.

RETURN No. 6, showing the Corporal Punishments inflicted at the above Establishment during the Half Year ending 31st December 1854.

Class of Prisoner.	Indication of Prisoner.	Sentence.		General Remarks.
		Lashes awarded.	Lashes inflicted.	
Probation.	3,122 G. W.	100	100	Violent assault upon a warder.
Probation.	1,585 T. F.	100	100	Idem; an incorigibly bad character.
Re-convicted.	619 R. M.	100	100	Theft; repeatedly reported for misconduct.

THOMAS H. DIXON,
Superintendent.

WESTERN AUSTRALIA.

RETURN No. 7, showing the Extent of Accommodation on the 31st December 1854.

Place.	Extent of Accommodation.	Remarks.
Chief Establishment, Fremantle :		
No. 1 Division - - -	132	Probation, colonial, re-convicted, invalid, insane, incurable, and convalescent prisoners of the Crown, also ticket-of-leave invalids.
No. 2 „ - - - -	180	
No. 3 „ - - -	180	
No. 4 „ - - - -	38	
No. 5 „ - - -	176	
Cells - - - -	17	
Infirmary - - - -	53	
North Fremantle Branch :		
No. 1 Division - - -	80	At present occupied by ticket-of-leave holders.
No. 2 „ - - -	40	
Fresh Water Bay Branch :		
No. 1 Division - - -	80	Idem.
Guildford Branch :		
No. 1 Division - - -	64	Idem.
Green Mount, York, Sub-branch -	36	Idem.
Green Mount, Toodyay, Branch - -	36	Idem.
Extent of accommodation for	1,112	Prisoners of all classes.

THOMAS H. DIXON,
Superintendent.

RETURN No. 8, shewing the Vacancies in the Chief Establishment at Fremantle on the 31st December 1854.

Chief Establishment, Fremantle, 345 Vacancies.

North Fremantle Branch -
Fresh Water Bay Branch -
Guildford Branch - -
York, Green Mount, Sub-branch
Toodyay Green, Mount „

} At present occupied as ticket-of-leave hiring depôts ; can accommodate 336 prisoners.

THOMAS H. DIXON,
Superintendent.

No. 9.

RETURN showing the Proficiency in Writing, Reading, Arithmetic, and General Knowledge of Prisoners in the above Establishment, on the 31st December 1854.

Divisions of Prisoners.	Reading.					Writing.					Arithmetic.					General Knowledge.			
	Well.	Tolerably.	Imperfectly.	Scarcely at all.	Not at all.	Well.	Tolerably.	Imperfect.	Scarcely at all.	Not at all.	Higher Rules.	Compound Rules.	Multiplication.	Addition.	Not at all.	Considerable.	Some.	But little.	Scarcely any or none.
Roman Catholics -	34	18	16	6	—	11	30	16	6	1	13	10	12	20	19	4	17	31	22
Protestants - -	72	61	29	2	—	35	72	37	19	1	28	39	46	45	6	11	49	52	52
Re-convicted -	75	48	30	7	—	27	76	32	22	3	25	30	54	41	10	12	43	51	54
Total -	181	127	75	15	—	73	178	85	47	5	66	79	112	106	35	27	109	134	128

20th January 1855.

WALTER BAUGHAN, Schoolmaster.

No. 10.

RETURN showing the Number of those Prisoners who were in the above Establishment on the 31st December 1854 that have improved in Reading, in Writing, and in Arithmetic, within the Half Year ending with that Date.

Divisions of Prisoners.	Improved in Reading.	Improved in Writing.	Improved in Arithmetic.
Roman Catholics - -	8	8	8
Protestants - - -	16	48	35
Re-convicted - - -	16	38	28
Total - -	40	94	71

20th January 1855. WALTER BAUGHAN, Schoolmaster.

EXTRACTS from "Visitors' Book."

"I have great pleasure in bearing testimony to the clean and efficient state of the Convict Establishment, and the whole arrangements appear most excellent, and well adapted to the object in view, and reflect great credit on the superintendent."

(Signed) THOMAS SLEDDON,
Owner of the "Mary Queen of Scots,"
@ Liverpool.

October 4, 1854.

"I have great pleasure in seeing the Establishment in such good order and so well conducted."

(Signed) DANIEL SCOTT, J. P.

October 4, 1854.

"Having this day visited the Convict Establishment, in company with Mr. Dixon, its Superintendent, it is with great satisfaction I beg to record my admiration of the excellent discipline evidently carried out, and the general healthy appearance of all connected with the prison."

(Signed) J. A. CONROY, J. P.,
Commissioner of Police.

October 7, 1854.

"Having had the pleasure of visiting this Establishment, I can only add that the cleanliness and order carried on throughout the establishment cannot under any circumstances be surpassed."

(Signed) HENRY RUSS, R.M.,
Lieutenant.
J. J. ROBINSON, M. M.
T. DUCLOS.

December 16, 1854.

"Having this day visited the Convict Establishment, with the visiting magistrate, and Mr. Dixon, the superintendent, I could not but admire the general order and cleanliness visible throughout, and the excellent system on which the whole is carried on."

(Signed) WM. BURGESS, J. P.

January 2, 1855.

"I have now, with a few exceptions, been almost a daily visitor of this establishment for the last three years, and, though occasional trouble has been given by some of the men, I am of opinion that the clean, orderly, and subordinate conduct observed throughout the prison is a matter reflecting the greatest credit upon the system of management, particularly when it is considered that it is merely a temporary prison, containing several classes of prisoners, and that there is a great difficulty in obtaining subordinate officers at all experienced or instructed in their duties, and zealous in carrying out the views of the conductors of the establishment. I consider the system well adapted both to encourage the well meaning and to deter the vicious, and I have no hesitation in stating that it is carried out strictly, but impartially and with kindness."

(Signed) THOMAS BROWN,
Police Magistrate.

January 2, 1855.

WESTERN AUSTRALIA.

"I record my unqualified satisfaction to the efficient state of every department of this establishment, reflecting great credit to the superintendent and officers of the establishment."

(Signed) R. M'B. Brown.
Government Resident, and Chairman of the Board of Visiting Justices.

January 3, 1855.

(True extracts.)

Thomas H. Dixon,
Superintendent.

Roman Catholic Chaplain's Report.

Sir, R. C. Chaplain's Office, Fremantle, 1st January 1855.

I have the honour to submit my half-yearly report, commencing 1st July last, relative to the duties of my office as Catholic Chaplain to the Establishment; and beg to direct your most favourable attention, as my desire is to establish the foundation of the moral and religious welfare of the prisoners, and which would serve as the spring from which Her Majesty's Roman Catholic prisoners who will be consigned to our moral care may be supplied with living water.

I have had the honour to introduce to your notice in my last report several important subjects, the utility and advantage of which will appear from close observance. The general improvement of the prisoners bears ample testimony of the order and discipline of the establishment. When prisoners go out on tickets-of-leave they are better men, and calculated better for their future prospects, than when any of them return re-convicted to the establishment. However at the termination of their hard-labour sentence, their good resolutions are restored, and leave again in their former hope of success.

It is really to be deplored, the want of clerical attendance to the several stations now so usefully established in the colony. Guildford is the only station which can boast of this favour; all the other depots are unprovided with spiritual attendance. This is a subject deserving of the most serious consideration. What will all the labour and zeal for the mental, moral, and religious welfare of the prisoners, whilst consigned to the spiritual care of the chaplains, amount to, if on their going out on tickets they are to bid adieu to all religious instruction. The Irish Catholic prisoners are so attached to the faith of their fathers, that even periodical visits of a clergyman of their persuasion would be productive of the most happy results.

When the prisoners obtain their ticket-of-leave from the establishment, they rejoice at the privilege. They are sent to the different stations of the colony where their fellow Protestant comrades enjoy all the privileges of their religion, while the Roman Catholic prisoners must shift for themselves.

I am of opinion that the Government would do a great service in providing clerical attendance to each and every station in the colony, for the moral welfare of this class of Her Majesty's subjects is in great peril for the want of clerical attendance to the several ticket-of-leave depots in the colony. The Roman Catholic ticket men work at stations for many months, and even longer, before they obtain masters, and during all this time they never see a clergyman. What are the results? Manyof them are at length employed; they leave the depôt, and go to their employers, and are obliged to relinquish all hope of the consolations of religion. The evil consequences which follow this state of moral interest, for the social welfare of the community, is deserving of the most prompt attention.

Schools.

The next subject of my report is that of the schools, and to which I had the honour to direct your attention in my last report. The school is a most valuable part of prison indulgence. It is not unusual to hear the poor prisoners relate in panegyric how when he came to prison he could not read, but that now he can read his Bible and prayer book; others would say that they could but spell, but that now they can read and write. This language is truly consoling. However, I regret to be obliged to say that there are many within the prison walls who cannot boast of the one advantage or the other, "*per exemplum.*" How many are there who unhappily pass through the establishment whose youthful days have been spent unmindful of moral or religious instruction, and whose faculties are therefore void of those virtues which religion and learning inspire. For this class of prisoners the greatest sympathy should and ought to prevail, in order to reclaim them permanently, and that they may hereafter prove useful members of society it will be necessary to recreate and fortify the mind by the introduction of some principle. The school is a place for mental labour; the prisoner unacquainted and unaccustomed to this exercise will require the time, patience, and ability of a schoolmaster; the close application to lessons, the paternal and agreeable instructions of the teachers, and the silence which appears among their fellow scholars, never fail to attract the attention and impress the mind with the value and privilege of this great indulgence. In my last report I commented upon the necessity of a Roman Catholic schoolmaster for the Roman Catholic school, as it would be more in accordance with the rules of their religion.

Library.

The want of a Catholic library is followed by a great loss. I am frequently applied to for advice whether it is permitted to read books from the Protestant library. My reply of course recommends them not to read books which attack their religion, and they invariably answer that many of the books of the library accuse and abuse their holy religion. The advantage of a good Catholic library for the establishment cannot be expressed here. I am most happy to be able to add that a portion of the library has arrived per ship "Mary."

Chapel.

A chapel for divine service would add very much to the embellishment of the establishment, and would add more solemnity to divine worship, and more force to religious lectures on Sundays; and the chaplain could exercise more moral influence over his audience in a chapel than in a division, as it is done at present, or in any other part of the prison, and the prisoners would benefit more from the instructions. In fact the chaplains of the prison have undertaken a great responsibility, as they have to heal the spiritual wounds of the poor prisoner, to encourage him to the practice of virtue, and occasionally to open to him the terrors of the Gospel.

A chapel would prove one of the most useful accommodations for the new establishment, but I regret to be obliged to say that in the course of the erection of this spacious building there is no appearance of a chapel for divine service for the Roman Catholic prisoners; time will prove the necessity and advantage of such important prison accommodation.

Religious Instruction.

I have given private and individual instructions during the last half year to 378 prisoners, who had their names enrolled in the books of the division particularly for this purpose. Among this number there have been 277 communicants in the course of the half year. I am an advocate for frequent communion, as the preparation preceding this pious duty cultivates the mind and strengthens the understanding,—disposes the will for the practice of virtuous exercises and useful conversation among their fellow prisoners. I can perceive a greater and more visible affection for matters of religion among the probation prisoners than among the hard-labour party: many of this class receiving their tickets-of-leave were good and religious men, and calculated well for their future prosperity, but when re-convicted and sent back to prison are generally found indifferent about the maxims of religion; when questioned on this subject, their reply is the common one, that they had no divine worship on Sundays; no priest; no spiritual lecturer; no religious consolation, and that they felt themselves completely exiled. All this is afflicting to the ears of the chaplain; however, he makes up his mind for the best.

It seems to me that good clerical attendance to each of the ticket-of-leave stations and depôts is one of the most important of the moral and social interests of the colony.

Holidays.

The next subject I desire to introduce to your favourable notice is that of holydays. All good Catholics keep the holy days as they keep the Sabbath day. Wherever a Catholic chaplain is appointed he is obliged to announce the holy days to his congregation. Then he ought to celebrate divine service on those mornings for his community. In the despatch of his Grace the Secretary of State for the Colonies, where reference is made to holy days, it does not nullify the privilege of the Roman Catholic prisoners attending divine service on holy day mornings. Though I have always found the superintendent most desirous to promote every good that might affect the further improvement of the prisoners under his charge, however, since the arrival of the despatch the good custom of allowing twelve prisoners from the public works about two hours once a week to receive religious instructions at my office has been withdrawn. This privilege would prove most advantageous in favour of the prisoners, as it would give me an opportunity of speaking to them individually, learn their dispositions, and thereby administer the instructions best suited for them, which I cannot perform otherwise. A great deal of good could be done by prudent and charitable administrators of this kind.

Catechetical Instruction.

I have catechetical instructions to 80 of the prisoners during the first two months of the last half year, when this favour had ceased. In duty I feel bound to remark, this indulgence of only two hours each week has been most successful in promoting to good principles.

In the course of the half year 404 received advice or school lectures from me, as they had been conducted to my office by the warders on the mornings of their departure from the establishment on ticket-of-leave. I really often wished to publish to the colony the humane feelings, the enterprising hope, and the firm resolution of those leading a virtuous and industrious life, which appear on these occasions. How beneficial would a retreat of a few days be to such persons before their going out from the establishment, where they could treasure up, with clerical assistance, riches for the soul, to fortify them against evil temptations. A religious retreat, well conducted, will not fail to enlarge and improve the mind of the prisoner about to obtain his ticket-of-leave, and perhaps at no time of life could this pious exercise be more productive of beneficial effects.

Families of Prisoners.

The next subject to which I would desire to direct your kind attention is the privilege of having the families of well-conducted prisoners sent out to them, which is a liberal and humane act of the Government in favour of those unfortunate people; it serves to console the prisoner in the midst of his labour, and elevate his drooping spirits. I have sent in applications for prisoners' families to be sent out to the colony as early as the beginnng of the last year, but they have not yet arrived, though anxiously expected. Since the 1st July I have taken notes of the superior conduct of 55 of the prisoners whose religious demeanour and general steadiness induced me to recommend them to the notice of the superintendent, and I find that such interest encourages the prisoner very much, and when good and steady men are promoted to the office of constables it promotes also the spirit of perseverance, and is hailed as a reward of merit.

Roman Catholic Chaplain's Residence.

The next subject to whice I am desirous to direct your attention is the Roman Catholic chaplain's residence, which ought to be at or as near as possible to the establishment. A house is erected for one chaplain at the new Convict Establishment, while the other chaplain is obliged to provide for himself; and who can doubt but the Roman Catholic chaplain is as useful an officer as will be found within the walls of the new convict prison, and therefore deserving of a suitable residence, where he could be more at home for the discharge of his clerical duties to the establishment?

The distribution of favours to the deserving prisoners ought to be as equal as possible among the two denominations of religion, as this liberality would not fail to preserve good and friendly feelings amongst the prisoners, and help to restore them to society, where they could manifest these feelings which ought to characterise Christians at all times, and render them useful colonists and faithful subjects. There are and will be among the prisoners many men who have seen better days, and who then little thought that the wheel of life would have consigned them to the precincts of prison walls, and whose superior conduct during imprisonment entitles them to sympathy; at length they obtain their tickets-of-leave, which confer great satisfaction and favour. To farm they are able, but encouragement there is but little. They are therefore obliged to go to the ticket-of-leave depôt, where they soon learn that what they thought a favour to be but something like a change from one convict establishment to another, where they are obliged to work hard, and receive but very small remuneration for their labour. Being for years in prison, they hail liberty, and repine at their poverty.

Deaths.

There were four deaths during the last half year amongst those under my spiritual charge. I was truly edified at the perfect resignation of these poor men before their death. Their whole hope had been centered in the mercy and goodness of the Lord, and after receiving the last rites of religion, calmly occupied all their affections with the pious sentiments of easy prayer to heaven. When I learn from the doctor of the state and hope of the patient, I am therefore enabled to administer suitable instructions. I have not yet met with a patient who did not desire to receive religious attendance; only one, whose profession is enrolled in the books of the establishment as a Roman Catholic, but I find a difficulty in ascertaining his religious faith more than that of a deist. However, he obtained his ticket-of-leave in October last, and was sent back to the establishment in the following month. The poor man's mental faculties appear evidently affected, and is under medical treatment for such.

Roman Catholic Patients.

During the half year there had been 222 Roman Catholics under medical treatment, the greater part of whom were affected with ophthalmia; diarrhœa; many others with consumption and diseases of the chest; and two recovered from a most dangerous fall from the scaffolding of the new prison, and one from the fury of a wicked horse at the works. Much could be said upon the care and attention in the hospital, which to my opinion is most satisfactory. I really often admire the care and attention of the doctor, who manifests much labour and interest towards the recovery of the patients.

Dead House.

A dead house would be most useful, where the corpse would be kept a day and night previous to the interment. The last prisoner who died had been buried about seven hours after his departure from this world.

Cells.

There are three prisoners in the cells, their mental faculties being affected. The hospital proves the disposition of the prisoners very much. I have on all occasions found a desire for the practice of piety and religion in the infirmary; the patients feel truly consoled by the daily visits of the chaplain; and it is really gratifying to perceive the serious reflections of those poor men whilst under medical treatment.

I have, &c.

(Signed) TIMOTHY DONOVAN,
Catholic Chaplain.

No. 12.

HALF-YEARLY REPORT of the WORKS in FREMANTLE District, from 1st July 1854 to 31st December 1854.

Royal Engineer Office, Fremantle,
January 27, 1855.

SIR,

I HAVE the honour to lay before you my half-yearly report on the works carried on under my superintendence during the six months ending 31st December, 1854.

Lime Kiln.—The whole of the lime for the works, and for cleansing purposes in the building belonging to the Convict Department has been burned and delivered at an average rate of 4·35*d.* per bushel.

The lime kiln has been worked since 24th July by a party of ticket-of-leave men, who receive 1¼*d.* per bushel for the lime loaded; and for this price they raise the stone, cut the wood, and load the carts employed in this work.

SAPPER SUPERINTENDENCE.—TICKET-OF-LEAVE LABOUR.

New Prison.—The masonry of one half of this building (consisting of 240 cells, eight waterclosets, and six small warders' rooms, with two large rooms 62 feet by 30 feet wide by 18 feet high,) is complete.

The roof of the same is framed and fixed, and one half of the boarding (for slates) is fitted and nailed on.

The slates, which have arrived in the "Devonshire," are of a very inferior quality Slating commenced.

The floors of half of the cells and of the upper associated room are laid (rebated and filleted jarra).

The upper tier of cells ceiled with jarra boarding.

A large number of hired mechanics have been employed on this work, scarcely any prisoner mechanics having been received from England.

Drainage.—Two tunnels for the main drains of the prison to carry the sewage from the various parts of the prison into the garden ground have been commenced; that for the south end of the prison is driven from the foot of the hill 212 feet into the soft through solid rock, that for the north end (including cook-house, wash-house, &c.) has been driven to the east and west from a shaft sunk in a central position to a length of 160 feet.

No powder has been used in these galleries, and both drains are large enough to allow of a man walking without inconvenience.

The privies will be flushed twice a day by the water from the baths, washing sheds, and cells, and the manure in a highly diluted state applied to the garden ground.

A well to supply water to the cook-house, wash-house, &c., 47 feet deep from parade level, has been sunk through the solid rock, and has three feet of beautiful water in it. This was done by re-convicted prisoners; very little powder used; no steening required.

Punishment Cells.—The doors for these cells have been made and partly hung. The boundary wall is nearly complete. The cells have been plastered internally.

Entrance Buildings on each Side of main Entrance Gate.—That on the north side, to afford accommodation for the gatekeeper on the ground floor (consisting of a waiting room, sitting room, and kitchen), the upper floor (consisting of two bedrooms) being appropriated to the Deputy Superintendent, is complete, except the finishing coat of paint.

That on the south side (for the deputy superintendent) is roofed and floored, and the plasterers are now employed there.

The total accommodation for the deputy superintendent in the above buildings consists of two sitting rooms, four bedrooms, one kitchen, one cellar, shed, and privy.

The entrance gateway has been erected between these two buildings.

Superintendent's House.—This building, being in every respect similar to that erected for the chaplain (now occupied as offices), has been commenced, and the carpenters are putting on the roof.

The accommodation consists of three sitting rooms, four bedrooms, two dressing rooms, one kitchen, one wash-house, one shed, one cellar and one privy.

Cook-house, Bake-house, Wash-house, and Laundry.—This large block of building has been commenced, masonry completed, and is nearly roofed in. Accommodation consists of—

One kitchen	30 feet by 25 feet
One bake-house	36 feet by 25 feet.
Four small rooms, for bread, flour, cook, and pantry, each 10 feet 6 inches by 11 feet 6 inches.	
One kitchen store	15 feet by 12 feet.
One scullery	22 feet by 12 feet
One shed	20 feet by 12 feet.
One wash-house	30 feet by 25 feet.
One laundry	29 feet by 25 feet.
One drying room and hot closet, 25 feet by 20 feet, with separate yards and privies for the cook, bakers, and washers.	

Quarries.—The quarries on the new prison site have supplied all the stone for the works in progress, the rubbish being tipped to form the esplanade in front of the prison.

A considerable quantity of small stone has been removed by the town trust, for the purpose of making the streets of the town.

The whole of the works connected with the new prison have been carried out under the immediate superintendence of the non-commissioned officers of Sappers, and the mechanics have been a mixture of Sappers, hired and prisoner mechanics; the labourers' work being done by ticket-of-leave men, probation and re-convicted prisoners.

Sawpits.—The whole of the works have been kept well supplied with sawn timber.

Sapper Superintendence.—Sapper and Prisoner Sawyers.

Smiths and Capenters' Shops.—The necessary smiths' and joiners' work for the works in progress has been executed.

Mixed Mechanics.—Prisoner Labourers.

Incidental Repairs.—Have been effected on the requisition of the barrack masters.

Sapper and Prisoner Mechanics.—Prisoner Labourers.

Jetty in South Bay.—This jetty has been continued at intervals.

The work has been interrupted by heavy gales, which have stopped the work itself, and also prevented the contractor from bringing up by sea the requisite long timber for the piles and joists.

A deficiency of men, and the necessity of employing all hands on the new prison, in order to render it fit for occupation in part by the end of May 1855, when the lease of the present depôt expires, have also delayed the work.

No damage was done to any portion of the work by the gales above mentioned.

90 piles driven in all; 15 bays joisted.

17 capsills fixed flooring for 11 bays prepared, of which the flooring of seven are nailed down.

The want of crucibles to cast the nails, which has prevented the nailing of more flooring, is now obviated by the successful manufacture of porcelain crucibles from decomposed felspar obtained from the hills.

Sapper Superintendence.—Hired Mechanics (paid by the Colony).—Colonial Prisoners' Labour.

Lithographic Press.—A lithographic press sent out from England has been set up, for printing forms, but is not yet in full work.

The whole of the work has been very materially retarded by the insufficient supply of labour; and I beg to call your attention to the fact, that the estimate for the prison was framed on the supposition that sufficient prisoner mechanics would be sent out from England to render the building (with the assistance of the Sappers and a few hired mechanics) fit for practical occupation by the end of May 1855.

This has not been the case, and the consequent necessity for the employment of a large number of hired mechanics, and the purchase of many indispensable stores (the demand for which left this office in October 1852, and which are only just beginning to arrive) at higher prices than those at which it was estimated they could be obtained at home, will cause a considerable excess of expenditure over estimate in the construction of the new prison.

North Fremantle.

This depôt has since July last been occupied by ticket-of-leave men, who have been employed on the works at Fremantle, and whose labour is included in the foregoing items.

Two wooden buildings (containing each two rooms 12 feet by 12 feet), one for an office and store, the other for the assistant superintendent, have been put up.

Freshwater Bay,

The men at this depôt have been employed quarrying and breaking stone for the road from Perth to Fremantle.

There is now sufficient stone broken to complete the road to a length of four miles from North Fremantle.

Mount Eliza.

Drainage of the Lakes at the back of Perth.—The greater part of the men at this depôt have been employed draining the lakes immediately at the back of the occupied portion of Perth town site.

One of the lakes (Kingsford) have been completely drained, and some of the lots sold.

These lakes, or rather swamps, drying up in summer, have always been considered as the cause of a good deal of sickness during that season, and it is expected that their draining to a depth of two feet below their heds, and the occupation and cultivation of the ground thus rendered available for garden purposes, will improve the general sanatory condition of the town.

Additions to Depôt.—The addition of a cook-house, blacksmith's shop, office and store, quarters for an additional warder, and privies (all portable), render this station nearly complete.

The constant change in the detail of working parties rendered necessary by the number of men going out on ticket-of-leave has prevented the system of task-work being carried out with the probation prisoners.

During the last two months the hard labour parties have been employed in the quarries on task-work, on a scale of task diminishing with the height of face, the men getting the advantage of an amount of time in diminution of their sentences proportionate to the work done in excess of their task.

The task per man daily in a quarry with a face of 10 feet high (which is the average height of the faces) is 52 cubic feet measured before removal, and it is calculated that as a body the men may by very hard work remove about 70 cubic feet daily, thus earning a remission of two days by each week's work.

The ticket-of-leave men have also been employed on piece-work as much as possible, and a fair day's work has been obtained from them.

I have, &c.
(Signed) HENRY WRAY,
Captain Royal Engineers.

Certified, true Copy,
E. Y. W. HENDERSON,
Comptroller General.

No. 13.

SIR, Guildford, January 17, 1855.

I HAVE the honour to forward my report of the progress of the works in the Eastern District, for the half year ending 31st December 1854.

Numbers at Guildford.—The numbers of men on the works at Guildford and its out-stations have been as follows:—

	Royal Sappers and Miners, including Instructs Warders.	Ticket-of-Leave Men.		Average Number.
		Least Number.	Greatest Number.	
Guildford - -	4	32	59	44
York, Green Mount -	1	18	84	53
Toodyay, Green Mount	0	15	47	35
Bindoon Road - -	0	4	18	12

Commissariat Quarters.—The verandah has been completed. The privy also has been commenced and finished.

Commissariat Store.—Shutter bars have been fixed in the store. The flooring has been laid, a part of it not being nailed, to allow it to season. Four shelves have been fixed across each end of the store.

Commissariat Stables and Yard.—This building has been completed, with stall divisions, harness room (fitted up), groom's room, &c. The stalls are floored with wooden blocks, the cart sheds with stone. Stone drains are laid all along the front of the building.

The yard has been levelled off, and part of it stoned, and it has been fenced in with palings.

Infirmary.—The surgery has been floored, plastered, and coloured, painted and glazed. Shelves have been fixed in it and in the infirmary, and a dresser in the surgery.

Superintendent's Store and Office.—This building has been roofed and shingled, the door and window linings put in, the doors and windows made, and the former hung; the latter is delayed for want of glass. The plastering and painting have been done. Shelves have been put up, and shutters, with hinges and bolts, made and hung.

Forge.—An additional fire-place has been made in the forge.

Fencing.—The Sappers quarters have been fenced in. Posts, rails, and palings, to fence in the town pound, which is to be given to the trust in exchange for the present site, have been split.

Warders Quarters, No. 1.—Shutters have been made for this building; and the room attached, formerly used as a store, has had a chimney in it, and is inhabited by private Beaton, Royal Sappers and Miners.

Depôt Gatehouse.—A lodge for the gatekeeper has been put up.

Engineers' Stables.—The stall divisions of this building have been put up, and the floor paved with wooden blocks.

WESTERN AUSTRALIA.

Superintendent's Quarters.—The stone for the footings has been carted, and is being put in; some of the timber has been sawn by depôt sawyers. Bricks are being made, and shingles split by men in depôt.

Pensioners' Cottages.—Bricks are being made and shingles split for these buildings, and posts and rails to fence their allotments.

Incidentals.—The doors of all the buildings have been lettered and numbered.

The convict grant has been thoroughly drained. A portion of the verandah of engineer quarters has been boarded in.

Guildford Bridge.—Four bays of fifteen feet each have been added to the bridge on the right bank of the river; and the earthwork on that side, 630 feet long and 9 feet high, has been completed. The road in continuation has been cleared and formed 400 yards, and 70 yards of the road have been raised where the ground is low. The whole bridge has been planked, and a great part of the skirting put up. Posts and rails for fencing in the road through the flats, and for the protection of vehicles on the embankment, have been split, and 70 yards put up. The bridge is in use.

York Road.—A station of slabs, thatched and plastered, has been erected, six and a half miles from Guildford. It is capable of containing seventy men. The interior is fitted up with shelves, &c. An overseer's house, and ∧ huts sufficient to contain fifty men, have been put up nine miles from Guildford, but are not in use, as there are no men to put in them.

The road has been cleared for three and a half miles, making a continuous clearing from Guildford of about ten miles. It has been very heavy work, the soil being hard and stony, upwards of 2,000 trees have been grubbed up in these three and a half miles.

Toodyay Road.—A station of mud with thatched roof capable of containing sixty men has been put up, and office, and warders' quarters, eight and a half miles from Guildford. A cook-house, infirmary, superintendent's quarters, have also been put up. The barrack is fitted with bed places and shelves, &c.

A well to supply the station has been sunk eighteen feet deep, at the top of the hill. It has a good supply of water.

3,633 yards of the road from the foot of the hill towards Guildford, have been drained and formed in the most satisfactory manner.

Bindoon Road.—Four bridges have been just completed, with the exception of the hand-railing, and a portion of the road joining them drained and formed. The approaches to these bridges are very heavy work.

Perth Road.—A culvert has been made on this road.

Upper Swan Road.—The approaches to the bridge over Susannah Brook have been put in order; they were in a very dangerous state.

York.—The number of men at York has been on the average sixty-nine. The greatest number in the depôt at one time has been ninety-seven, and the least thirty-two. There have been four Sappers; two of whom are instructing warders.

Warders' Quarters, and Store.—A chimney has been built in the room intended for a superintendent, to render it habitable by an unmarried warder, and the two rooms intended for the warder are used as superintendent's office and store. Shelves and fittings have been put in the latter.

Commissiriat Stables.—The weatherboarding, roofing, and battening is completed. The shingling is delayed for want of nails. Blocks for the flooring have been split from trees cut down on the convict allotment.

Sappers' Quarters.—The verandah has been begun and finished, the damaged plastering repaired, shelves put up, and door steps made.

Infirmary.—Shelves, &c. have been fixed in the surgery and in the ward. Gratings have been made and fixed for ventilation.

Privies.—Privies have been built for the depôt, for the keeper of the gaol, and for the court-house, and temporary ones for the Sappers and warders.

Commissariat Store and Quarters.—The walls have been finished; the roof put on, weather boarded and shingled; the doors and window linings and shutters have been made and fixed; the flooring of the quarters is done, and that of the store in progress.

Bolts and hinges have been made.

Lock-up.—A lean-to and oven have been built for the gaoler, and the front door of the gaol hung.

Pensioners' Cottages.

No. 2.—Has been completed.

No. 1.—The doors and window sashes have been made and hung.

No. 5.—The footings have been built and bricks made.

No. 6.—The footings have been built, bricks made, and door and window frames made.

No. 7.—The same as No. 6, and the walls have been commenced.

No. 8.—The walls have been built, the roof put on and thatched, and the doors made.

No. 9.—The walls have been built, roof put on and thatched, the plastering commenced, and doors and window sashes made and hung.

No. 10.—The ledge, doors, and sashes have been made and hung.

No. 11.—This has been roofed, thatched, plastered, and floored, and the doors made and hung.

No. 12.—The footings have been built and bricks made.

Nos. 13, 14, 15, 16, and 17.—The footings of all these have been built.

Bricks. Charcoal.—About 100,000 bricks have been made for the various works, and 156 bushels of charcoal.

Depôt Garden.—A garden for the depôt has been fenced.

Guildford Road.—The rocky part between Cut Hill and York has been put in good order, and a bridge close by is being made.

Repairs.—The old road has been kept in repair as far as Wootating, twenty miles from York.

York Streets.—A portion of the streets of York have been macadamized and otherwise repaired.

Beverley Road.—Six and a half miles of this road have been cleared, and one bridge nearly completed.

Burgess Road.—A bridge made last year by the natives, which was destroyed, has been re-erected.

Toodyay.—The numbers of men at this depôt and its outstations have been :—

———	Royal Sappers and Miners, including Instruc^s Warders.	Ticket-of-Leave Men.		Average Number
		Least Number.	Greatest Number.	
Toodyay Depôt - -	4	23	55	41
Guildford Road - -	0	4	28	19
Northam Road - -	0	5	21	14
	4	32	104	74

Lock-up.—The native cell and two common cells have been lined with boarding. An iron shackle bar has been put in the native cell, there having been previously a temporary wooden one.

Commissariat Store and Quarters.—The doors of these buildings have been lettered. A privy has been built for the Commissariat storekeeper, but the door is not hung for want of hinges.

Commissariat Stables.—The harness room, cart and hay sheds have been boarded and floored; the hay shed has been entirely boarded in. The mangers and stall divisions have been fixed. The building is complete, except the hanging of one of two doors.

Cook-house.—The doors and shutters have been painted, and former lettered. The sashes have been made, but not glazed.

Infirmary.—This building has had shelves and a counter put in the surgery. The doors have been hung by borrowed hinges.

Sappers' Quarters, 1 and 2.—The doors have been painted and lettered; the verandah shingled, levelled, and paved; and steps into the rooms made. The posts have been removed, and better ones put up, which have been painted. Shelves have been put in the quarters, and a portion of the verandah enclosed by men working over hours.

Sappers' Quarters, 3 and 4.—The walls have been completed; the roof put on and weather-boarded. The verandah has been built and weatherboarded, and the posts painted. The doors have been finished and painted, and the sashes made; also the door and window linings; the floor has been laid with bricks, and part of the shelves fixed.

Warders' Privy.—A privy for the warders has been built.

Superintendent's Store.—Sashes have been made and painted for the superintendent's store, and bars fixed in the window frames.

Pensioners' Cottages.

7, 8, 9, 10, 11, 12.—The doors and windows have been made and painted; the latter glazed. They are not hung, for want of hinges.

1, 2, 3, 4, and 13.—The rafters have been cut, stone and brick carted, and the foundations put in. Door frames of Nos. 3, 4, and 13 have been commenced, but the buildings have not proceeded for want of masons' lines.

Superintendent's Quarters.—The foundations have been finished, and the walls commenced. The door and window frames are in hand. Want of carpenters has delayed this building.

Bricks.—197,000 bricks have been made, and 554 bushels of charcoal burnt.

Guildford Road.—A bridge has been built, a heavy cutting made, and about three and a half miles of road drained and formed. The party has been also employed for some time going over work that had been done unsatisfactorily. A station to hold about forty men has been built four miles from depôt. Mile posts have been put up for this distance.

Northam Road.—This road has been cleared from the bridge site on the east bank to Mr. Chidlow's, about miles. On this part they have made three substantial bridges, and the road has been formed and drained. A great portion of the timber required for

WESTERN AUSTRALIA.

Northam Bridge has been cut and carted. The work cannot be proceeded with, as we have no carpenters. Mile boards for this road have been painted and lettered.

Cricket Ground.—A cricket ground has been cleared at the station.

I beg to forward a plan of the convict ground at Toodyay, which I was unable to send with my last half-yearly report.

I have, &c.
(Signed) E. F. DuCane,
Lieutenant R.E.

Certified, true Copy,
E. Y. W. Henderson,
Comptroller-General.

No. 14.

Report of Works carried on in the Plantagenet District during the half year ending 31st December 1854.

Lieutenant Crossman, R.E., to the Comptroller General.

Royal Engineers' Office, Albany,
December 31, 1855.

Sir,

I have the honour to report, that during the last half year the following works and buildings have been carried on by the Royal Sappers and Miners and ticket-of-leave men at this station.

1. *The Depôt.*—This building, fifty feet by twenty, capable of accommodating eighty men, is bricknogged and weatherboarded. The frame work was sent down from Fremantle at the beginning of the year, and the building itself has been handed over to the Commissariat Department during the present half year.

2. *Cook-house.*—This building, originally intended for the smith's shop, has been made available for its present purposes by the addition of ovens, coppers, &c. It is situated in convenient proximity to the depôt, and answers well in every respect; size, sixteen feet by thirteen.

3. *Hospital.*—The building formerly used as carpenter's shop and tool store, having been repaired and strengthened, bricknogged, floored, and plastered, has been transformed into a hospital, containing a ward capable of accommodating from six to eight patients, with surgery, the latter fitted with shelves, &c. Size, twenty-two feet six inches by twelve feet six inches.

4. A stone wall to enclose these three buildings, and so divide them from the other parts of the establishment, is now in progress. It is proposed to make this wall eight feet high, further fencing off the hospital from depôt and cook-house. This work is carried on by the ticket-of-leave masons sent down in the last party. Stone is close at hand, and the only expense beyond their wages will be lime and a few days' cartage. The foundations are laid, and the wall carried up to a height of from two to three feet about half way round. The privy for the depôt is built in a recess in this wall, the soil being carried into cess-pits dug on the beach.

As a good stream of water runs down by the west side of the depôt from sufficient elevation to allow of its being carried into the depôt yard, openings will be left in the wall to allow of this water being conveyed by means of pipes to hospital, cook-house, and washing sheds.

For keeping up proper discipline, this wall is almost absolutely necessary. Without it, it would be impossible to keep the men from leaving the depôt after working hours, without locking them up altogether.

4. *Sappers or Warders' Cottage.*—Further accommodation has been made for the Royal Sappers and Miners and discipline officers of the depôt two quarters, each containing two rooms twelve feet by thirteen feet, and one for a single man, eight feet by thirteen feet, have been added to the quarters completed in the beginning of the year.

These buildings are of brick, and are fenced off from depôt establishment.

5. *Workshops and Royal Engineer Store.*—Workshops, consisting of a blacksmith's shop, thirteen feet by twelve feet, a carpenter's shop, fifteen feet six inches by twelve feet, have been erected. To these, a store for tools and materials, nineteen feet by twelve feet, has been added. All these are of brick. There is also a yard, forty-six feet by thirty-six feet, enclosed by a brick wall. These, although they have been used for some time, have not yet been handed over to the Commissariat, as the doors and windows (with the exception of those of the store) are not yet completed. This store will now allow of a greater quantity of materials being kept on hand at the station; an advantageous circumstance, on account of the difficulty experienced at head quarters in sending down materials, &c. to Albany, immediately on being required.

6. *Offices for Royal Engineer Officers and Senior Assistant Superintendents.*—A wooden building, containing two rooms, each thirteen feet by thirteen feet, was sent down from Fremantle, for the purpose of completing the accommodation required for the Royal Sappers and Miners; but this now having been obtained by item No. 4, this building has been

placed on stone foundations; two fireplaces and brick chimneys added; and it has been bricknogged and plastered, thus rendering the two rooms available as offices for the Royal Engineer officer and senior assistant superintendent.

7. The property belonging to the convict department has been fenced in, levelled, and partly covered with gravel, and on it are now—(1) a depôt capable of accommodating eighty men; with (2) cook-house, privy, &c.; (3) a hospital for from six to eight patients, with surgery attached; (4) quarters for six married and one single man, consisting of twelve rooms twelve feet by thirteen feet, and one room, eight feet by thirteen feet, with oven, privy, &c., divided from other buildings by a two rail fence, which encloses also a small spot of good garden ground; (5) a lock-up built of granite, with twelve solitary cells, with open yard; to this being attached (6) quarters for jailer (now occupied by assistant superintendent), consisting of two rooms, each fourteen feet by twelve feet, and store for depôt and lock-up, thirteen feet by twelve feet; (7) workshops consisting of blacksmith's shop, thirteen feet by twelve feet, carpenter's shop, fifteen feet by twelve feet, and store for tools and materials, nineteen feet by twelve feet, to these is attached a yard, forty-six feet by three feet, for timber, shingles, lime, &c.; (8) Offices for Royal Engineers and superintendents of convicts.

The above works, 1 to 7, are what have been carried on during the half year; connected with the convict establishment; and when the wall round the depôt is finished everything will be complete as could be desired.

8. The ground site for new commissariat store has been levelled. The building itself has not yet been commenced, as there being another store, though inconveniently situated, and inadequate for the district, it was thought better to complete everything connected with the convict department in the first place.

A party of men has been sent into the bush to cut timber and split shingles for this building, by which the expense of its construction will be somewhat diminished, although not to such an extent as it would be if the commissariat were to provide transport of their own. This is the first time that skilled labour has been at my disposal in this district to send into the bush for the purpose of preparing materials.

9. The whole of the iron work for the bridge over the King River, consisting of bolts, stirrups, knees, &c., amounting in the gross to nearly 1,800 lbs. in weight, has been prepared in the blacksmith's shop. The bridge is now finished, and the workmanlike manner in which it is constructed reflects great credit upon the contractor, Mr. Metcalfe.

10. *Kalgan Road Party.*—A party of fifteen men, under an instructing warder (Royal Sappers and Miners), has been sent to clear a road between the settlement and the site of the proposed Kalgan Bridge. They commenced clearing a road twelve feet wide from the King Bridge towards the Kalgan at the beginning of November, and have now completed five miles, leaving two miles more of this part of the road to be cleared. After clearing this, and making the approaches to the Kalgan Bridge on the left bank of the river, they will return to clear a new road between the King Bridge and the settlement, the old track being very tortuous, and running in many places over ground which becomes very wet and soft in the rainy season. This work, if the party can be kept at its present strength, will, I hope, be completed by the beginning of the ensuing winter.

11. The main street of the town contiguous to the depôt has been cleared and drained, and a road made on it, by the prison gang (principally of natives) from the colonial gaol under the superintendence of Sappers and ticket-of-leave constables.

The present working strength of the depôts (not including road party) averaging now only from seventeen to twenty men, it will be impossible to spare men for any fresh work until a sufficient quantity of stone for the depôt wall and foundations of commissariat store has been collected.

I have, &c.
(Signed) W. Crossman,
Lieutenant Royal Engineers.

Certified, true Copy,
E. Y. W. Henderson,
Comptroller General.

Appendix A.

Regulations for the Collection, &c. of Passage Money of Ticket-of-Leave Men.

1. All money paid by ticket-of-leave men on account of passage is to be received by the Commissariat Department; and no receipts for payments on account of passage money are to be given except by the Commissariat.

2. When a ticket-of-leave holder has paid his passage in full, a final receipt will be granted by the Comptroller General,

3. Monthly Returns of cash received on account of passage are to be made to the Comptroller General and Deputy Commissary General by commissariat officers and storekeepers in charge of that duty.

4. Deductions on account of passage money from earnings on public works are not to be credited to the men unless the pay sheet is certified by the commissariat officer or storekeeper paying the same, with the date on which it is paid.

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5. An abstract to be prepared half-yearly of cash and deductions from earnings credited to ticket-of-leave men, and notified to be received by the commissariat, such abstract to be declared to by the cashier, and confirmed by the Comptroller-General, and after being approved by the Governor forwarded by the Deputy Commissary-General with his accounts to the auditors.

The half-yearly nominal return showing amonnts paid is useless, and may be abolished, the auditors having no checks on the amounts due by separate men, deductions. remissions, &c. The abstract referred to in the preceding clause will verify the fact that all monies received and deducted have been credited to the public.

A separate return is to be forwarded half-yearly to the Commissariat, showing the amounts paid by ticket-of-leave holders on account of passage, for whose wives and families applications have been forwarded to the Governor, the amount of whose passage is repayable to the Emigration Commissioners.

(Signed) E. Y. W. Henderson,
Comptroller General.

Approved

(Signed) Charles Fitzgerald,
Governor.

Certified, true Copy,
E. Y. W. Henderson,
Comptroller-General.

Appendix B.

Regulations for the Payment of Ticket-of-Leave Men on the Public Works.

1. Prisoners, on obtaining ticket of leave, will be sent to such depôt as his Excellency may direct, and be employed on the public works on pay.

2. No ticket-of-leave holder is to be admitted to any depôt without any order from the Comptroller-General, the visiting or resident magistrate, or, in Perth and Fremantle, from the police magistrate; and in the case of men returned to depôt from private service, they are not to be placed on pay except on the certificate of the visiting magistrate and officer in charge of the depôt, that they cannot obtain employment in private service, and that the cause arises from no fault of their own.

3. Ticket-of-leave men refusing, without good grounds, any offer of private service which may be deemed by the visiting magistrate fair and reasonable, are to be considered as forfeiting their claims to their tickets of leave, and, at the discretion of the visiting magistrate, to be returned to the Convict Prison at Fremantle.

4. The following rates of pay are approved by his Excellency, subject in all cases to the discretion of the officer in charge of the station, as regards men employed on depôt service, and of the officer of Royal Engineers in charge, as regards those on the public works, to reduce them for idleness or misconduct on the part of the men, viz.:—Mechanics employed on taskwork (as far as possible) to be allowed a maximum rate of pay of 2*s.* per diem; labourers from 6½*d.* to 8*d.*; cooks and bakers may in special cases be recommended for a rate of pay from 8*d.*, and not exceeding 1*s.* per diem.

Hospital orderlies, on the recommendation of the surgeon through the principal medical officer, a maximum of 1*s.* 2*d.* per diem.

But no man, whatever his earnings may be, except those especially authorized, is to receive more than 4*d.* a day as money payment for the purchase of clothing, tobacco, soap, and necessaries. The whole of the balance of their earnings is to be carried to their passage account.

5. The following are the exceptions, having charge of property, &c.:—

Depôt storemen, cooks, clerks, bakers, engineer storemen, hospital attendants, constables, allowed as a maximum money payment 8*d.* per diem: also carters not paid by the Commissariat.

Men working in the water and on the Albany Road, where no clothes can be purchased, to be allowed prison clothing, to save the extra wear and tear of their own clothes while so employed.

7. Ticket-of-leave men returned to depôt for misconduct will only be allowed 4*d.* per diem, which must be expended in keeping them properly clothed. These men are not allowed any cash or credit to passage for such period as the visiting magistrate may award, and should be worked as much as possible on task work and under surveillance.

8. Men employed on Sundays to be allowed the same rate of pay as on week days.

9. Men who have paid their passage money in full to be allowed 6½*d.* per diem, and no more, for the purchase of clothing and necessaries, in consideration of a full and fair day's work. Such men are, however, to be allowed to be transferred to Fremantle or any district they may wish in search of employment.

10. It is to be distinctly uuderstood that a full and fair day's work is to be performed by each man, whether mechanic or labourer, in consideration of the rate of pay allowed, and wherever practicable the amount of work which a man is expected to perform is to be fixed by the officer in charge of the works, and a proportionate reduction made for any less amount of work done.

Constables will be allowed the following rates of pay:—

3 months' service	1*s.*
3 months' and less than 6	1*s.* 3*d.*
6 months' and less than 12	1*s.* 6*d.*
12 months' and less than 24	2*s.*

Afterwards 2*s.* 6*d.*

Night constables to be allowed 3*d.* in addition to these rates.

No constables are to be appointed except according to the authorized scale; and it is to be explained to them that their employment is only temporary, and that they are liable to be reduced according to the number of men in depôt; but in the event of their re-appointment the time previously served will count in their favour for the regulated increase.

12. Constables will not be entitled to those increases for length of service only, but each case must be specially reported on; and it is to be distinctly understood that the above rate is the maximum for the best and most efficient men, and that for all whose qualifications do not reach that standard should be recommended for a more moderate increase.

13. The following scale of constables, cooks, &c., for depôts and road parties, is authorized by the Governor.

No. 1. For any depôt or road party from 45 to 70 men:—2 constables; 1 night constable; 1 baker; 1 cook; 1 cleaner and orderly; 1 hospital attendant.

No. 2. For any depôt or road party from 30 to 45 men. Same as No. 1.

No. 3. For any depôt or road party from 15 to 30 men:—1 constable; 1 night constable; 1 cook and baker; 1 orderly cleaner and attendant on sick.

No. 4. For any depôt or road party from 70 to 120 men. Same as No. 1, with an additional constable for each 25 men above 70; 1 additional cleaner and orderly; and 1 assistant baker and cook.

This scale is the maximum.

Appointments are not to be made except absolutely necessary, and to be reduced wherever the number of men will permit.

14. Ticket-of-leave men on the public works are entitled to pay for the whole of Saturdays, although the afternoon of that day is allowed them for washing and cleaning their clothes. Especial care is to be taken that men do not idle or leave the station on Saturday afternoons until after working hours. When not engaged cleaning or washing own clothes, they may be usefully employed about the depôt.

15. Men on the sick list are not allowed pay; but in the event of men being injured on the works, or where the illness is likely to be of long duration, a special report is to be made for the Governor's consideration by the surgeon and officer in charge, with a view to the man's receiving a daily rate of pay.

Medical attendants and station clerks will be specially appointed in general duties, and included on the officer's pay-sheets, and are not to be included on the ticket-of-leave pay-sheets, or rationed unless specially authorized.

17. Clerks to road parties, or any extra clerk authorized by the Governor to be employed from among the men in depôt, may receive a maximum rate of pay not exceeding 1*s.* per diem, and be paid and rationed like other ticket-of-leave men.

18. All ticket-of-leave men employed by the Commissariat department as storemen, carters, &c. are to be rationed and paid by that department, and are not to be included on the depôt pay-lists or ration returns.

In preparing the pay-lists the men employed on depôt service are to be kept entirely distinct and separately totalled, the superintendent or convict officer in charge certifying to its correctness.

The men employed on the public works are to follow; and the correctness of their earnings, &c. is to be certified by the non-commissioned officer in charge of the works, and confirmed by the officer of Royal Engineers in charge.

In case any man is employed part of the week on depôt service and part on public works. he will be charged among the depôt men only for the time he is so employed, and among the men on the public works for the remainder; a note against each man being made in each case for the convenience of entering the accounts at head quarters.

20. All pay-lists are to be made out weekly; but in cases where it is quite impracticable to pay the men weekly the pay-lists must show each week's earnings.

21. Each pay-list is to be certified by the Commissariat officer or storekeeper paying the same, with the date on which it was paid.

22. Each pay-list should show the employment of the men, the same as that now furnished only to the Comptroller-General's office.

23. The pay-lists furnished to the Comptroller-General's office need not be signed by the men, whose signature is only required to those furnished to the Commissariat.

24. All works undertaken by ticket-of-leave labour paid for from convict funds are to be authorized by his Excellency in general orders; and each pay-list is to be abstracted on the back, showing the general order to which the amounts making up the total of the pay-lists are chargeable.

25. In case of any emergent work not authorized in general orders being necessary, it must be specially reported, in order that a general order may be obtained therefor.

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26. Men on the public works are subject to the general regulations for ticket-of-leave holders on public works, so ong as they do not interfere with the special rules issued by command of his Excellency; but they are not allowed to introduce wine, spirits, or other fermented liquors, either on the works or into the premises occupied as a depôt or station; and any infringemnet of this rule will involve a forfeiture of ticket-of-leave during the pleasure of the Governor.

27. No man will be allowed a pass, except on the recommendation of the officer in charge of the station to which he belongs.

28. All applications for such passes are to be made to the officer in charge, who will fill in the pass, and write his recommendation on the back, when it will be taken by the applicant to the magistrate for signature.

Without such recommendation no pass will be granted; but no pass for Albany is to be given, except by the Comptroller-General.

(Signed) E. Y. W. Henderson,
Comptroller-General.

Approved,
Ch. Fitzgerald,
Governor.

Certified, true copy,
E. Y. W. Henderson,
Comptroller-General.

Appendix C.

The Governor, on the recommendation of a board of medical officers, assembled by his Excellency's directions, approves of the following scale of rations for probation prisoners:—

Re-convicted Prisoners and Ticket-of-leave Men throughout the Colony and Depôts, and on Public Works. To take effect from 1st June 1855.

Breakfast.

10 oz. bread, 1 pint of tea*, sweetened with sugar; 1 oz. treacle, if obtainable.

Dinner.

14 oz. meat, 4 oz. bread, 12 oz. potatoes.

Supper.

8 oz. bread, 1 pint of tea*, sweetened with sugar, 1 oz. treacle, if obtainable.

* Made with $\frac{1}{5}$ oz. of tea and $\frac{3}{4}$ oz. of sugar.

Ration of tea, sugar, salt, and pepper as heretofore. Soup to be allowed twice a week, Tuesdays and Fridays; 1 oz. rice, barley, or oatmeal, to be allowed for thickening it.

On soup days, if possible, cabbages, turnips, or pumpkins, in lieu of potatoes.

Equivalents of Vegetables.

12 oz. potatoes { 24 oz. pumpkins. / 14 ,, turnips. / 18 ,, cabbages. }

The bread for each meal to be issued separately, and the practice of men eating their whole allowance at once discontinued.

Great care to be taken in baking the bread, which is to be inspected and approved by the surgeon daily, as well as those whose duty it is.

Beverage tea to be discontinued, and occasional issues of limejuice (or vinegar made in lieu), especially during the summer months, if obtainable.

Certified, true copy,
E. Y. W. Henderson,
Comptroller-General.

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No. 16.

No. 16.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Lord John Russell.

(No. 105.) Government House, Perth, October 18, 1855.
(Received March 7, 1856.)
(Answered, No. 14, April 3, 1856, page 228.)

My Lord,

Herewith I have the honour to forward a memorial and certain resolutions adopted at a public meeting held at Perth. These documents were presented to me by a deputation representing that meeting, with a request that I would transmit them to your Lordship.

2. Considering it to be my duty to remove any misapprehension which might exist as to the recorded views and intentions of Her Majesty's Government, I read to the deputation such portions of the Secretary of State's Despatches named in the margin as bore directly or inferentially upon the points at issue, and I think it probable that some portions of the memorial would have been modified had the meeting or the deputation been in possession of the information thus conveyed to them at an earlier period.

Duke of Newcastle to Governor Fitzgerald, No. 115, 3d Oct. 1853.
Duke of Newcastle to Governor Fitzgerald, No. 142, 12th Dec. 1853.
Duke of Newcastle to Governor Fitzgerald, No. 28, 28th Feb. 1854.
Sir George Grey to Governor Fitzgerald, No. 15, 26th Jan. 1855.
Sir George Grey to Governor Fitzgerald, No. 13 (Convicts), 13th April 1855.
Parliamentary Papers, "Emigration (Australia)," 6th Feb. 1855.
Despatch, No. 99, 5th Sept. 1855.

3. The subjects treated of in the memorial and resolutions do not appear to require any comment from me which my short residence in the colony would justify, and I will therefore confine myself to such points as may require explanation in order to a clear understanding of them.

4. In reference to No. 2 of paragraph No. 8 of the memorial, I have already expressed my conviction that an expenditure of 9,000*l.* per annum is ample for the present support of an efficient land police in this colony, and that the imperial contribution thereto of 6,000*l.* is liberal. In reference to No. 3 of the same paragraph, I do not think that the Imperial Government can be fairly held responsible for the unnecessary expense of building a colonial hospital double the size needed for the requirements of the colony, which is admittedly the case.

5. With reference to the 11th paragraph, I am far from thinking that the convict labour has been employed in the most advantageous or judicious manner; but this is clearly a matter for which the local and not the Imperial Government is responsible, and I trust that all cause of complaint on this head will be speedily removed.

6. The printed Parliamentary Paper "Emigration (Australia)," dated February 6, 1855, which I read to the deputation, is I think sufficient to exonerate Her Majesty's Government from any default in reference to the question treated of in paragraph No. 15 of the memorial.

Parliamentary Papers "Emigration" (Australia), 6th Feb. 1855

7. I cannot for a moment entertain the question either as to the justice or the policy which would charge the Imperial Government with the maintenance of emigrants once landed in the colony. Such a system would in my opinion work most perniciously, and my short experience has shown me that such expenditure is unnecessary either on the part of the Imperial or Colonial Government, if fitting measures be adopted to provide employment for the willing, and to coerce the idle to seek it.

8. I think, in reference to paragraph 18 of the memorial, that the convict staff exceeds rather than falls short of the public requirements.

9. I concur in the prayer contained in paragraph 19. This is a question clearly for the Local Government, for which I will, in regard to the future, hold myself responsible.

10. With reference to paragraph No. 24, I may state that the Irish girls sent out as immigrants are universally well spoken of as a most useful and well conducted class, and I think a limited number would find immediate employment and be an acquisition to the colony.

11. Your Lordship will not fail to observe that there are matters of principle treated of in the memorial, and resolutions which I have not offered an opinion upon. When I am thoroughly acquainted with the practical working of the convict system in this colony, I shall be prepared to do so should your Lordship require it.

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12. In conclusion I would only state that the public meeting which adopted this memorial was highly respectable, and was, I am informed, most temperately conducted. Such being the case, I feel assured that its prayer will meet with due consideration from your Lordship.

I have, &c.

The Right Hon. Lord John Russell, &c. &c. &c.

(Signed) A. E. KENNEDY.
Governor.

Encl. in No. 16.

Enclosure in No. 16.

Proposed by Mr. L. Jameson, seconded by Mr. John Hardey,

1. That it is expedient that the attention of Her Majesty's Government should be drawn to the working of the convict system in this colony, with the view more particularly of reminding the present Government of the terms and conditions originally agreed upon, and which appear to have been unheeded or forgotten.

Carried unanimously.

(Signed) C. SYMMONS, Sheriff.

Proposed by F. Lockie, seconded by Mr. Dyett,

2. That the following memorial, addressed to Her Majesty's Principal Secretary of State for the Colonies, does embody the sentiments and opinions of this meeting on these points, and that the meeting adopts it accordingly; and that the sheriff be requested and authorized to sign the same on behalf of the meeting at large:—

To Her Majesty's Principal Secretary of State for the Colonies.

The Memorial of the Colonists of Western Australia, in public meeting assembled, sheweth,

1. That in the year 1849 the colonists did, by certain resolutions passed at a public meeting, apply to Her Majesty's Government for the introduction of convicts into this colony upon certain terms and conditions, and for the furtherance of certain objects therein specified.

2. That the attention of Her Majesty's Government was especially called to the fact of the utter inability of the colonists to make provision in any way for the maintenance, control, and supervision of the convicts, or for any charges whatever that might be incident to their presence; the object of the colonists being then, as now, the extension of public works, to which their own means were inadequate, and the more speedy and ample development of the colonial resources, through the imperial expenditure necessarily consequent upon such a system.

3. That the object of the colonists in seeking for the change, and the terms and conditions upon which it was to be carried out, have been acknowledged and confirmed by repeated acts of the Secretary of State, and particularly by the letter from Mr. Under Secretary Hawes to the Secretary of the Colonization Assurance Corporation (dated 20th December 1849), whereby the colonists were assured that they would not be called upon to bear any charges "direct or indirect," that might become consequent upon the presence of convicts in the colony.

4. That this understanding formed the very essence of the contract entered into between the colonists on the one hand and Her Majesty's Government on the other, the former having never at any time disguised the fact of their utter inability, as well as their positive disinclination, to bear any pecuniary charge whatever consequent upon Western Australia being made a penal settlement.

5. That, on the commencement of the system, and notably under the administration of colonial affairs by Earl Grey, the relative position of the colonists and of Her Majesty's Government in this important respect were pretty closely maintained. His Lordship seems to have been convinced from the first, that the excellent system which it was his object to bring into action could not be properly established and fairly tested without adequate means, and he was accordingly prepared for such a liberal expenditure of imperial funds as should secure the scheme from failure by this cause. At this time the question was not looked upon as one merely of £ *s. d.*, at least by Her Majesty's Government. It is true that the colonists themselves never viewed it in any other light. With them it was simply, make this change worth our while, and we are ready to fall in with it; but with Earl Grey the scheme involved a much higher principle, viz., the reformation of the criminals, and, as accessory thereto, such a development of the colonial resources by means of imperial expenditure and convict labour on public works, as might afford to the convicts on becoming free a reasonable chance of being able to maintain themselves in an improved social position. This important result is still perfectly practicable, if only the necessary support be continued to the colony for some time longer.

6. That the several Secretaries of State who have succeeded to Earl Grey appear to have nearly lost sight of the original design, and to recognize only one principle of action in the administration of convict affairs, viz., to reduce the imperial expenditure to the lowest amount possible, even to the extent of burthening the colonists with charges which, in common justice, they ought never to be called upon to bear, a principle, not only at variance with the express contract entered into, but also incompatible with the object which Her Majesty's Government has professed to have in view.

7. That while the colonists are careful to abstain from setting up any right to order the expenditure of imperial funds, they nevertheless do earnestly maintain that a sufficient expenditure thereof is an essential part of the agreement between themselves and the Government, and is absolutely necessary to the success and safe working of the whole system, it being manifest that to reduce the expenditure below the standard of efficiency would be either unjustly to compel the colonists to provide the deficiency out of their own resources, or to leave their lives and properties endangered by the acts of insubordination which would be surely consequent upon insufficient means of repression or prevention.

" 8. That the colonists have recently observed a disposition, on the part of Her Majesty's Government, and of the authorities here more immediately connected with it, to charge the colonial funds with expenses arising out of the convict system, and which, as such, should, in conformity with the agreement, be provided for through imperial means. From among these burthens the following may be more particularly enumerated:—

(1.) It has already become necessary, and it will be still more so from day to day, to build gaols in various parts of the colony; and yet, although these gaols are required almost entirely for the coercion of the convict population, no allowance has hitherto been made by the Home Government in respect of them.

(2.) The sum allowed out of imperial funds for the establishment and maintenance of a police (viz., 6,000*l.* a year) is altogether insufficient for the purpose, and the colony is already at very serious cost to supply the deficiency, the total charge being now not much under 10,000*l.* a year. Even this proportion is much above what would be necessary for the colonists among themselves, but when it is remembered that it will be a constantly increasing charge, as the convict population becomes more numerous, it is obvious than an unfair burthen is thrown upon the colonists in this respect.

(3.) The system pursued by the government authorities here, with reference to such convicts as have obtained their conditional pardons, and even to some extent, to ticket-of-leave holders, has already been productive of serious expense to the colonists; and here, too, the evil is an increasing one. In all cases of the commission of new crime by a conditional-pardon man, the expenses of his prosecution, and of any verdict consequent thereupon, are now charged upon colonial funds. Should a conditional-pardon man be sick, or unable to obtain employment, the colony has to maintain him, as well as his family, if he have any; and even in the case of ticket-of-leave holders, repeated instances are occurring of their wives and families becoming chargeable on the colonial funds. A reference to the records preserved in our courts of justice and the colonial hospital, as well as to the government relief sheet, will show that this is already no imaginary evil, and gives cause for grave apprehension for the future. As respects the colonial hospital, which has recently been built at a very large cost to the colony, it is scarcely too much to say that its uses appear to have been principally confined to the reception of the convict population. Nor need this be a matter for surprise, when it is considered that men, many of whom have been unused to labour in any shape, and whose constitutions have been undermined, first, by early excesses, and next, by the stern discipline of a prison, are turned adrift upon the community without any reference to their state of health, or to their ability to maintain themselves in other respects.

9. That the government system in all these and similar instances is working most unfavourably and unfairly towards the colonists, who do unanimously protest against being burthened with any expense, however remotely connected with the introduction of convicts into this colony, and with their subsequent maintenance in it.

10. That the system of exacting from the convicts the amount of their passage money, is only advantageous to Her Majesty's Government, which thereby escapes from a very considerable expense by the infliction of a penalty of a very doubtful propriety as regards the convicts themselves, and which has ultimately to be paid by the colonists, the amount coming, in fact, out of the pocket of the colonial employer. In this way, taking the number of convicts already introduced as 3,700, and the passage money at 10*l.* per head, the colony will be called upon to contribute nearly 40,000*l.* for the privilege of emptying Her Majesty's gaols in Great Britain, the whole of which sum being paid into the British treasury acts as a corresponding drain upon the colonial resources. But the mere abstraction of this sum from the colony is not the only evil consequent upon this system, for it has the effect also of keeping up the rate of wages in the colony, every ticket-of-leave holder demanding higher wages in consequence of the deductions which he knows are to be made from his earnings, and thus one of the advantages which the employers anticipated, viz., a reduction in the rate of wages through ticket-of-leave labour, is by no means likely to be realized. Moreover, every ticket-of-leave holder is liable, at any moment, to be taken from his work and sent back into depôt for nonpayment of his passage money, the consequence being that wives and children are thereby rendered destitute, and thrown upon the colony for maintenance.

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11. That up to this time the labour of the convicts has been employed in works of little or no benefit to the colonists themselves. The Imperial Government has largely profited by the erection of an extensive prison, together with storehouses, officers dwellings, and other similar edifices in various parts of the colony, to the value of perhaps 200,000*l.*, but the colonists look in vain for the roads, bridges, and other works of public necessity which they were led to believe would follow upon the introduction of convicts, and they think that this exclusive application of convict labour, and the alleged deficiency of it for colonial purposes, at the very time when conditional pardons are freely issued to men, so many of whom at once become chargeable to the public, are subjects for grave remonstrance and complaint on the part of the colonists to Her Majesty's Government.

12. That a large proportion of the convicts hitherto sent to this colony consists of men who become entitled to their conditional pardons immediately on landing, or very shortly afterwards, and this, added to the facility with which tickets of leave are granted, on the chance of the holder finding employment, serves materially to diminish the amount of permanent convict labour that ought to be at the disposal of the colonists for public works.

13. That the colonists, in seeking to be relieved from the cost of re-convictions, and of the maintenance of persons sent out as convicts, who may from any cause be unable to maintain themselves, are only pressing for the enlargement of a principle, the justice of which, to some extent at least, has been already recognized by Her Majesty's Government even in the case of Van Diemen's Land, where all such convicts who, at the time of their arrival in the colony, were above sixty years of age, or who, when they ceased to be employed in compulsory labour upon public works, were incapacitated by organic disease, or mental or bodily infirmity, from supporting themselves by labour, were maintained out of imperial funds; and where also all expenses attendant upon the commission of new crime by any convict, within a certain time of his discharge from any prison or depôt, were in like manner borne by Her Majesty's Government, although no special agreement to this effect had originally existed.

14. That the claim of the colonists of Western Australia to be protected against charges of this nature is infinitely stronger than any which could have been preferred by the inhabitants of Van Diemen's Land, for while the number of persons liable to be set at liberty is likely to be here greatly increased by the introduction of the system of granting conditional pardons, which formed no part of the original plan in Van Diemen's Land, their case is still further supported by the terms and conditions of the original compact, by which the colonists have always understood that they were guaranteed against any such consequences.

15. That the colonists have reason to be dissatisfied with the manner in which the promised introduction of free emigrants, as a counterpoise to the convict element, has been carried out. As Western Australia is the only colony now receiving convicts, it is entitled to the whole benefit of the sum annually voted by Parliament in this respect, and the colonists are also entitled to claim that the emigrants so sent out shall be of such quality in every respect as they would themselves select if their passage out were provided for directly from colonial funds. Even the due proportion as to mere numbers has only been maintained by taking every child as an adult, and by reckoning in the pensioners sent out as a guard over the convicts, together with their wives and children, who are certainly in no way available in the general labour market, while very many of the remainder have been selected without due reference to the requirements of the colony in that respect; the natural consequence has been that some of these have failed to find employment. It is, nevertheless, believed that the colony is fully capable of employing its full proportion of free emigrants, if only care be taken to select them from the properly-qualified class,—steady farm labourers, together with a large proportion of healthy, active single women, adapted for domestic service, being pretty constantly in general request.

16. That there is thus no sufficient reason for putting a stop to the introduction of free emigrants into this colony, particularly as a certain portion of the money voted by Parliament for this purpose might always be kept in reserve to meet the expense of the maintenance of those who, from any cause, might fail to find immediate employment.

17. The colonists, therefore, respectfully represent their earnest desire for a clear and positive understanding on all these subjects, to be based upon a fair and liberal construction of the original compact, and a due regard to the necessities of the colony, and humbly pray that Her Majesty's Government will be pleased to direct,—

18. That the expenditure of imperial funds on convict account may be maintained at such a rate as shall be sufficient to provide a competent staff, whether of visiting magistrates or other officials, for the necessary supervision and control of the various prisons or depôts, and to protect the colonists against any charge being made upon their own funds in this respect.

19. That all the convict labour which can be by any means spared from the erection of such works as are absolutely necessary to the reception of the convicts, should be immediately applied to the construction of public works, and the formation of roads and bridges, for the benefit of the colony, without any charge on the colonists, excepting for such material as the convicts cannot provide by their own labour.

20. That such an allowance may be made from imperial funds for the erection and maintenance of gaols as may relieve the colonists from any undue burthen in this respect, on account of the convict population.

21. That a fair proportion of the expense for police, which may be assumed to be two thirds at least of its total amount, be contributed by Her Majesty's Government.

22. That on the commission of new crime by any person holding a conditional pardon, the expenses of his prosecution, and of any verdict consequent thereupon, be borne out of imperial funds; and that the cost of maintenance of any person holding a conditional pardon who may be unable, from age, mental or bodily infirmity, or from any other cause whatever, to support himself by labour, be defrayed from the same source The liability of the Home Government in this respect to cease only when the full term for which such persons may have been originally sentenced shall have been completed.

23. That an alteration be effected in the present system of charging convicts with the cost of their passage, to the extent, at least, of making liable thereto such wages only as may be earned by them while in prison or depôt, under Government employ; and,

24. That the promised arrangement for the introduction of free emigrants be carried out upon a principle better suited to the wants of the colonists, viz., one that shall have regard alike to the due proportion of adults, as compared with the number of convicts sent out, to the particular class of emigrants most suitable to the requirements of the colony, and to the necessity of keeping up the equalization of the sexes, rendered so important by the introduction of male convicts.

Signed on behalf of the Meeting,
CHAS. SYMMONDS, Sheriff.

Proposed by Stephen Parker, seconded by S. E. Burgess,

3. That the mode of granting conditional pardons as at present practised is injudicious, inasmuch as the convict, at the expiration of a certain period of his servitude, is entitled to and obtains as a matter of right his conditional pardon, and that this class are arbitrarily discharged from the prison or depôt as their periods arise, without any regard to the demand of the labour market, or the fitness of the man to support himself, or to supply such demand.

Carried unanimously.

(Signed) CHARLES SYMMONS, Sheriff.

Proposed by W. G Shenton, seconded by W. R. M. Hapgood,

4. That the colonists being anxious that Western Astralia should continue to be the penal settlement of the empire, are desirous that the labour of the convicts should be employed on objects of general utility, such as roads and main lines of communication, and that although large sums have been hitherto expended, both by the Home Government and by the colony in the first reception of convicts, scarcely any public work exists as the results of convict labour, except the present partially constructed prison at Fremantle.

Carried unanimously.

(Signed) CHARLES SYMMONS, Sheriff.

Proposed by Mr. J. M. Dempster, seconded by Mr. Charles Wittenoon,

5. That while the colony has suffered from the infliction of various additional charges consequent upon the introduction of convicts, Her Majesty's Government have directly benefitted, first, by the creation of a large amount of valuable property in the colony; secondly, by the return of the money paid for convict passages; and thirdly, by the saving that has been effected by the withdrawal of the parliamentary grant, which is now reduced to the mere payment of a portion of the Governor's salary.

Carried unanimously.

(Signed) CHARLES SYMMONS, Sheriff.

Proposed Mr. E. Hammersley, seconded by Mr. S. P. Phillips,

6. That it is the opinion of this meeting that the reformatory system, as established in this colony, is calculated, if carried out in accordance with the terms of the original compact, to be alike beneficial to the convict and the colony; and that the colonists are anxious, as far as lies in their power, to co-operate with Her Majesty's Government in their efforts to maintain that system in full efficiency.

Carried unanimously.

(Signed) CHARLES SYMMONS, Sheriff.

Proposed by Mr. D. Scott, seconded by R. A. Clinch,

7. That Messrs. Lochie, Dyett, T. Carter, Hammersley, J. W. Hardey, and R. M. Habgood be appointed a deputation from this meeting, for the purpose of waiting upon his Excellency the Governor, and of conveying to him the preceding resolutions and memorial, with a request that his Excellency will be pleased to transmit the same to the Secretary of State by the first opportunity, and that the sheriff be requested to accompany the deputation.

Carried unanimously.

(Signed) CHARES SYMMONS, Sheriff.

WESTERN AUSTRALIA.

No. 17.

No. 17.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Lord John Russell.

(No. 106.) Government House, Perth, October 18, 1855.

(Received March 7, 1856.)

My Lord, (Answered, No. 12, March 18, 1856, Page 227.)

1. Referring to the last paragraph of my Despatch No. 98, dated September 5, 1855, I have the honour to inform you that, with the concurrence of the Executive Council, I have removed the whole of the native prisoners, to the number of twenty-seven, to the Island of Rottnest.

2. I have been induced to adopt this course for the following considerations:—

3. In retaining these wretched savages at Perth it was necessary to keep them chained and manacled in the most inhuman manner, to prevent them from making their escape, which, in defiance of all vigilance they frequently effected, when employed on any out-door labour. Prison confinement to these people is equivalent to sentence of death.

4. The comparative expense of maintaining them at Rottnest and Perth would be as twelve to three.

5. The effect of imprisonment on the island, cut off from all communication with their women and friends, I am sure is quite double that of retaining them at Perth. They would at all times prefer undergoing twelve months imprisonment at Perth to six at Rottnest.

6. Forty or fifty natives can, I hope, not only be made self-supporting at Rottnest, but also develop the resources of the island to a profit.

7. I believe a well-conducted system of agricultural training there will do more to civilize them than any of the other modes hitherto attempted in this colony, all of which have proved signal failures.

September 1, 1855.

8. It will be satisfactory to your Lordship to have before you a letter from the sheriff (who is also guardian of aborigines) on this subject, a copy of which I enclose. Mr. Symmons' practical statement obviates the necessity of my discussing the question in a financial point of view.

I have, &c.
(Signed) A. E. KENNEDY.

The Right Hon. Lord John Russell,
&c. &c. &c.

Encl. in No. 17.

Enclosure in No. 17.

Sir, Perth, September 1, 1855.

In compliance with the wishes of his Excellency the Governor, I have the honour to submit my opinion relative to the policy of re-establishing the native prison on Rottnest Island, an opinion formed on an experience of eight years, during which period I was the visiting magistrate of that station.

I think I may safely assert that during that time there was but one opinion, not only as to the utility of this establishment in checking the increase of crime through the terrors which its very name and its isolated position inspired, but also as regarded the satisfactory working and the general efficiency of its system under the control of its superintendent, our present gaoler, Mr. Vincent.

That the same results may be again attained under the same directing hand I cannot for a moment doubt. I beg, however, his Excellency to remark, that I say "under the same directing hand," for, although I am not prepared to deny the possibility of finding men possessed of capabilities for this peculiar service equal to those of Mr. Vincent, still they are of rare occurrence, and, without fear of contradiction, I may assert that this officer has exhibited both tact and talent of no common order during the whole of his career at Rottnest.

Mr. Vincent is a good practical farmer, an ingenious mechanic, has a general aptitude for anything that he undertakes, great decision of character, and, above all, possesses that experience of the aboriginal habits and disposition which enables him not only to exercise a strong moral influence over his prisoners, but to extract a far greater amount of work

from them than any other overseer in the colony. Witness the farming operations carried on, and the magnitude of the substantial buildings erected solely under his supervision, by native labour on the island.

For more statistical and minute details I beg to refer his Excellency, Sir, to the records of your office, but more especially to Mr. Vincent himself, than whom no man is more fit to give an honest and practical account not only of what has already been effected, but what he would guarantee again to effect in the event of the re establishment of the station.

By the aid of guano 1,800 bushels of grain were, I believe, grown on the island during its last year, and the return of salt has been, and should still be, with native labour, a source of revenue to the Government.

As a mere question of pounds, shillings, and pence, I believe that the Government are interested in the re-establishment of this island prison.

Each native ration now costs us about 1*s.* per day, which, taking the amount of prisoners at forty, involves an expenditure of 730*l.* per annum for food alone. Now, Mr. Vincent proposes to do away altogether with the meat ration, thus at once effecting a saving of 365*l.* annually; this deficiency in the ration being amply supplied, and in a manner more congenial to native tastes, by fishing, and the catching of such small animals and edible reptiles as are procurable on the island.

After the first year the establishment would support itself in grain, thus throwing the salaries of the superintendent and his overseer, and the outlay for tea, sugar, and an occasional issue of rice, amounting, say, to 40*l.* per annum, against the present expenditure of 730*l.* I do not include the revenue from the salt lagoons in this calculation, the surplus marketable produce being a set-off against the loss of native labour on the mainland.

But dismissing the question in a pecuniary and regarding it in a merciful and philanthropic point of view, by the re-establishmet of Rottnest prison, the authorities will be enabled to relieve themselves and the public from the degrading spectacle, and the native prisoners from the grievous infliction of their present chains. From the insulated position of Rottnest the coercive system would necessarily be much more light, while, at the same time, should the olden terror of its prison still retain its influence over the minds of the free aborigines, it would check crime, and, what would be of infinite importance to every feeling mind, possibly supersede the present necessity of taking the life of an ignorant fellow-being, in the hope of influencing by brute terror the minds of his surviving brethren.

Should, therefore, his Excellency be induced to revive this establishment under proper management, I believe that not only would the Government find in it a pecuniary profit, but also reap a richer harvest in the ameliorated condition of the prisoners themselves, and the gradual decrease of aboriginal crime throughout the colony.

I have not alluded to the protective measures necessary to be adopted in the event of the pilot establishment being still retained on the island.

His Excellency will at once see the difficulty, and either obviate it by removing, if practicable, the station to the Island of Carnac, or adopt such restrictive measures as may be deemed necessary.

I have, &c.
Si gned) CHAS. SYMMONS,
Sheriff, and Guardian of Aborigines.

The Hon. the Colonial Secretary.
&c. &c. &c.

WESTERN AUSTRALIA.

No. 18.

No. 18.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Lord John Russell.

(No. 16.)

Government House, Perth, October 18, 1855.

(Received March 7, 1856.)

My Lord,

I have the honour to transmit the "General Statement of Cases treated in the Hospital of the Convict Establishment, Fremantle, from 1st July to 31st December 1854," which did not reach me in time to accompany my Despatch (Convicts) No. 10, dated 5th September 1855.

2. I consider it my duty also to transmit an analysis of the foregoing report, by the principal medical officer in the colony, together with the proceedings of a medical board held on a later date, all having reference to the same important subject.

3. I think that all these papers demand close examination and consideration, both in a pecuniary and disciplinary point of view.

4. I have no doubt of the correctness of Dr. Rennie's statement at page 133, and I would also draw your attention to the calculated pecuniary saving at page 143.

5. It will be observed by a reference to page 144, that the principle of making ample or excessive dietary an element of discipline is one debated between the prison authorities and the medical officers. Dr. Galbraith, at page 147 of his analysis or remarks upon Dr. Rennie's Report, adverts to the same subject, a most important one.

6. Without discussing the principle involved in this question, I would only remark that a body of prisoners can undoubtedly be more easily managed, when well clad, well lodged, with ample food to gratify their animal cravings, than would be the case were these reversed, or even modified to equal their former circumstances and mode of subsistence; but whether this be a justifiable mode of attaining the object in view is a most serious question, affecting both the present and future condition of a convict when thrown upon his own resources.

7. It will be further observed, on reference to the proceedings of the medical board (herewith), that a recent attempt to increase the dietary has been made on what appear to me most insufficient grounds, and which I deemed it my duty to resist.

8. I would in conclusion remark that I have a strong opinion that prison treatment should be such as to unmistakeably deter men from re-entering it; whether such be the case at present in this colony I have some reason to doubt.

9. However I may differ with the Comptroller General and some of his officers on a few matters of principle, I can have no hesitation in bearing testimony to the admirable order and conduct of the establishment in all its details, which reflects the highest credit upon the officer who has organized it and still carries it out.

I have, &c.

(Signed) A. E. KENNEDY,
Governor.

The Right Hon. Lord John Russell,
&c. &c. &c.

Enclosure 1 in No. 18.

GENERAL STATEMENT of Cases treated in the Hospital of the Convict Establishment, Fremantle, from 1st July to 31st December 1854.

Cases remaining on 30th June, 1854 - - 80
Admitted between 1st July and 31st December 1854, 1,474 = 1,554

Of these were dismissed:—
Cured - - - - - 1,377
Relieved - - - - - - 137
Died - - - - - 7
Remaining under treatment, 31st December 1854, 33 = 1,554

DISEASES.	Remaining under Treatment 30th June 1854.	Since Admitted.	Total Treated.	In Hospital.	Out of Hospital.	Dismissed	Died.	Remaining under Treatment, 31st Dec. 1854.
Fevers - - -	1	41	42	34	8	42	—	—
Nervous system - -	5	117	122	27	95	119	—	3
Respiratory system	1	44	45	14	31	40	4	1
Organs of circulation -	1	5	6	5	1	5	1	—
Organs of digestion -	4	537	541	109	432	534	1	6
Urinary organs - -	1	19	20	10	10	18	—	2
Integumentary system -	27	344	371	122	249	364	—	7
Diseases of the eye -	34	269	303	226	77	291	—	12
Osseous system - -	4	3	7	6	1	6	1	—
Miscellaneous - -	2	95	97	45	52	95	—	2
	80	1,474	1,554	598	956	1,514	7	33

DISEASES.	Remaining 30th June 1854.		Admitted in												Total treated in Hospital.	Total treated out of Hospital.	Grand Total.	Of these discharged.	Died.	Remaining, 31st December 1854.
			July.		August.		Sept.		October.		Nov.		Dec.							
	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.						
evers :																				
Febricular - - -	1	—	2	2	—	1	1	2	1	3	16	—	2	—	26	8	34	34	—	—
Gastric fever - -	—	—	—	—	—	—	—	—	1	—	4	—	—	—	5	—	5	5	—	—
Intermittent fever - -	—	—	—	—	1	—	—	—	1	—	—	—	—	—	2		2	2	—	—
Remittent fever - -	—	—	—	—	—	—	1	—	—	—	—	—	—	—	1	—	1	1	—	—
	1	—	2	2	1	1	3	2	3	3	20	—	2	—	34	8	42	42	—	—
ervous System :																				
Neuralgia - - -	1	1	—	7	3	18	—	9	5	12	4	2	1	1	14	50	64	63	—	1
Lumbago - - -	—	—	—	—	—	6	—	—	—	3	3	1	—	1	3	11	14	14	—	—
Otalgia - - -	—	—	—	—	—	—	—	3	—	1	—	—	—	—	—	4	4	4	—	—
Vertigo - - -	—	—	—	4	1	3	—	1	—	—	—	—	—	—	1	8	9	9	—	—
Cephalalgia - - -	—	—	—	—	—	2	—	—	—	2	1	3	—	—	1	7	8	8	—	—
Pleuroclynia - - -	—	—	—	1	1	2	—	7	1	2	1	1	—	—	3	13	16	16	—	—
Sciatica - - -	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—	1	1	—	—
Insanity - - -	1	1	—	—	1	—	—	—	—	—	2	—	—	—	4	1	5	5	—	2
Epilepsy - - -	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	1	—	—
	2	3	—	12	6	31	—	20	7	20	11	7	1	2	27	95	122	119	—	3

Diseases.	Remaining 30th June 1854.		Admitted in July.		Admitted in August.		Admitted in Sept.		Admitted in Oct.		Admitted in Nov.		Admitted in Dec.		Total treated in Hospital.	Total treated out of Hospital.	Grand Total.	Discharged.	Died.	Remaining, 31st December 1854.
	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital,						
Organs of Respiration :																				
Bronchitis	—	1	—	—	2	14	1	10	1	3	—	—	—	3	4	31	35	35	—	—
Emphyrema	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—	1	1	—	—
Haemoptysis	—	—	—	—	—	—	—	—	1	—	1	—	—	—	2	—	2	2	—	—
Hypertrophy of bronchial tube	—	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—	1	1	—	—
Gangrene of lung	—	—	—	—	1	—	—	—	—	—	—	—	—	—	1	—	1	—	1	—
Chronic pneumonia	—	—	—	—	—	—	1	—	1	—	2	—	1	—	5	—	5	1	3	1
	—	1	—	—	3	14	2	10	4	3	4	—	1	3	14	31	45	40	4	1
Organs of Circulation :																				
Disease of heart	1	—	1	—	—	—	—	—	—	—	—	—	2	—	3	1	4	3	1	—
Varicose veins	—	—	—	—	1	—	—	—	1	—	—	—	—	—	2	—	2	2	—	—
	1	—	1	—	1	—	—	—	1	—	—	—	2	—	5	1	6	5	1	—
Organs of Digestion :																				
Diarrhœa	—	1	1	17	1	4	—	—	—	8	—	6	3	9	5	45	50	50	—	—
Dysentery	2	—	1	16	2	12	4	6	16	—	26	—	25	—	76	34	110	105	1	4
Dysphagia	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	1	1	1	—	—
Dyspepsia	1	—	—	1	—	5	—	4	—	4	—	—	3	7	4	21	25	25	—	—
Prolapsus ani	—	—	1	—	—	—	—	—	—	—	—	—	—	—	1	—	1	1	—	—
Disease of stomach	—	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—	1	1	—	—
Constipation	—	—	—	22	2	23	—	56	—	34	—	52	1	51	3	243	251	251	—	—
Cynanche tonsillaris	—	—	—	—	9	36	4	19	—	2	—	—	3	—	16	57	73	72	—	1
Hœmorrhoids	—	—	—	—	—	2	—	1	—	1	—	—	—	—	—	4	4	4	—	—
Toothache	—	—	—	6	—	4	—	6	—	3	—	2	—	1	—	22	22	22	—	—
Hepatitis	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—	1	—	—	1
Æsophagitis	—	—	—	—	—	—	—	—	—	—	2	—	—	—	2	—	2	2	—	—
	3	1	3	63	14	96	8	92	17	52	29	60	35	68	199	432	541	534	1	6
Urinary Organs:																				
Spermatorrhœa	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	1	—	—
Stricture of urethra	—	—	—	—	1	—	—	—	—	—	—	—	—	—	1	—	1	1	—	—
Disease of neck of bladder	—	—	—	—	1	—	—	—	—	—	—	—	1	—	2	—	2	2	—	—
Orchitis	—	—	—	1	—	—	—	—	—	1	1	—	—	—	1	2	3	3	—	—
Warts on penis	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—	1	1	—	—
Gonorrhœa	—	—	—	—	1	1	—	3	1	2	—	1	—	—	2	7	9	9	—	—
Schirrus of urethra	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—	1	—	—	1
Hypospadias	—	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—	1	—	—	1
Hydrocele	—	—	—	—	—	—	1	—	—	—	—	—	—	—	1	—	1	1	—	—
	—	1	—	1	3	1	1	3	3	3	2	1	1	—	10	10	20	18	—	2

Diseases.	Remaining 30th June 1854.		Admitted in July.		Admitted in August.		Admitted in Sept.		Admitted in Oct.		Admitted in Nov.		Admitted in Dec.		Total treated in Hospital.	Total treated out of Hospital.	Grand Total.	Discharged.	Died.	Remaining, 31st December 1854.
	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.	In Hospital.	Out of Hospital.						
Ocular System:																				
Ophthalmia	14	18	16	30	25	25	26	1	51	2	55	—	37	—	224	76	300	289	—	11
Amaurosis	1	—	—	—	1	—	—	—	—	—	—	—	—	—	2	—	2	1	—	1
Cataract	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	1	—	—
	15	19	16	30	26	25	26	1	51	2	55	—	37	—	226	77	303	291	—	12
Integumentary System:																				
Whitlow	—	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—	1	1	—	—
Ulcers	—	1	1	10	—	16	1	15	2	20	2	9	2	14	8	85	93	93	—	—
Cutaneous eruptions	—	24	—	16	6	20	3	32	11	34	45	14	16	2	81	162	243	236	—	7
Abscesses	—	2	—	—	1	—	7	—	7	—	8	—	8	—	31	2	33	33	—	—
Erysipelas	—	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—	1	1	—	—
	—	27	1	26	7	36	11	47	20	54	57	23	26	16	122	249	371	364	—	7
Osseous System:																				
Caries of bones of foot	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	1	—	—
Do. of bones of leg	1	—	—	—	1	—	—	—	—	—	—	—	—	—	2	—	2	2	—	—
Disease of hip joint	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—	1	—
Do. of wrist joint	—	1	—	—	—	—	—	—	1	—	—	—	—	—	1	1	2	2	—	—
Inflammation of knee	—	—	—	—	1	—	—	—	—	—	—	—	—	—	1	—	1	1	—	—
	3	1	—	—	2	—	—	—	1	—	—	—	—	—	6	1	7	6	1	—
Miscellaneous:																				
Otonhœa	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	1	—	—
Dropsy	1	—	—	—	1	—	—	—	—	—	—	—	—	—	2	—	2	2	—	—
Excoriated back	—	—	—	—	—	—	—	—	—	—	—	—	3	—	3	—	3	3	—	—
Cachexia	—	—	1	—	2	—	—	—	—	—	—	—	—	—	3	—	3	3	—	—
Rupture	—	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—	1	1	—	—
Burn of foot	—	—	1	—	—	—	—	—	—	—	—	—	—	—	1	—	1	1	—	—
Anasarca	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	1	1	—	—
External injuries	—	—	—	5	1	8	3	4	2	14	5	2	9	3	20	36	56	56	—	—
Wounds	—	—	—	—	—	—	—	—	—	—	6	—	1	—	7	—	7	6	—	1
Scurvy	—	—	—	—	—	—	1	—	—	—	—	—	—	—	1	—	1	1	—	—
Inflamed glands	—	—	—	—	—	—	1	—	—	—	1	—	—	—	2	—	2	2	—	—
Debility	—	—	—	—	—	5	1	4	1	3	2	—	—	—	4	15	19	18	—	1
	2	—	2	5	4	13	6	8	3	18	15	2	13	16	45	52	97	95	—	2

WESTERN AUSTRALIA.

Encl. 2 in No. 18.

Enclosure 2 in No. 18.

Convict Establishment, Western Australia,
Fremantle, February 3, 1855.

SIR,

IN conformity with the regulations, I have the honour to forward you my report for the half year terminating 31st December 1854.

Though the numbers of sick continue exceedingly high, and the general health of the prisoners bad, there has been, with the exception of dysentry and ophthalmia, considerable immunity from serious disease, and, as you will perceive by the statistical tables, a very small mortality, only seven deaths having occurred out of 598 cases treated in hospital, and of these seven cases, two were landed from the "Ramillies" convict ship in a hopeless condition; one was admitted from the Mount Eliza depôt, and died six hours afterwards from chronic disease of the heart; another was the case of a ticket-of-leave holder, James Hill, who had been an incurable for a considerable time back, the result of scrofulous disease of the shoulder and hip joints, complicated with chronic dysentery, thus leaving only three cases pertaining to the practice of the chief establishment.

The daily average number of prisoners has been 504, and the daily average number of sick has been 42.

On referring to the accompanying statistical tables you will perceive that the prevailing diseases have been similar to what they were during the preceding half year.

Bowel complaints, ophthalmia, and cutaneous diseases continuing endemic within the walls of the chief establishment, and also prevailing to a certain extent in the ticket-of-leave depôts, 79 ticket-of-leave men having been under treatment in hospital, chiefly for one or other of these diseases during the half year, and a considerable number also of the 151 reconvicted prisoners treated in hospital were admitted immediately after reconviction from the "hiring depôts."

During the preceding half year the daily average number of prisoners was 814, and the daily average of sick was 58, including convalescents. The annexed table will show that, with only 504 as a daily average of prisoners, and 42 as the daily average of sick, diseases of the digestive, ocular, and integumentary systems (the two latter being mere local varieties of the former) have been more prevalent there during that period.

DISEASES.	Half Year ending 30th June 1854.			Half Year ending 31st December 1854.		
	Total.	In Hospital.	Out of Hospital.	Total.	In Hospital.	Out of Hospital.
Digestive organs - - -	418	71	347	541	109	432
Ocular system - - - -	295	174	121	303	226	77
Integumentary system, including ulcers and absces - - -	262	55	207	371	122	249
	975	300	675	1,215	457	758

Showing an increase of 240 cases, of which 157 were treated in hospital. Of the 541 cases of diseased organs of digestion 411 were bowel complaints, of which 110 were cases of dysentery.

In my last report I attempted to prove that the ophthalmia, cutaneous disease, and bowel complaints were mere local varieties of the same constitutional disease.

Confining myself to proving the identity of these three forms, because they were not only the most prevalent, but also because, in carrying on their investigation, the greatest aid was derived from the external senses, thus enabling me to divest my conclusions of a much greater amount of vague theory than is generally brought to bear on the solution of questions relating to the origin of epidemic or endemic disease. The evidence then adduced by me in support of my views I consider to be of as practical a nature as there is to be found in the history of medicine, and certainly infinitely less theoretical than the majority of generally recognized dogmas connected with the medical science.

As the present report will chiefly be devoted to strengthening the arguments advanced in my last one, I will briefly recapitulate the principal statements contained in it.

1st. That the extraordinary prevalence of bowel complaints, ophthalmia, and cutaneous eruptions was to be attributed to a diet faulty from its excessive bulk, and also from the want of a regular supply of fresh vegetables.

2d. That from two of these diseases rarely ever affecting the same individual at the same time.

On the contrary, obstinate cases of ocular and dysenteric disease frequently disappearing immediately on the appearance of cutaneous eruptions, and vice versâ, there was every reason to suppose that the three forms of disease were mere local varieties of the same constitutional disease.

3rd. That this constitutional disease was one essentially of morbid digestion, consisting of the absorption and subsequent development in the current of the circulation of the products of indigestion (probably fermentive matter), which, when thrown off from the blood, appeared in the form of local disease, the special nature of which depended on the texture selected by the blood for the deposit of its abnormal constituents; in other words, on the constitutional predisposition of the individual to local derangement.

In support of the first assumption I stated that the re-convicted prisoners, whose diet is considerably lower than that of the probation prisoners, enjoyed by far the best health; that the probation prisoners, when placed on low diet, rapidly improved in general health; that medicine without a considerable reduction of diet exercised little or no permanent influence over their ailments; that after every species of treatment had failed in arresting dysentery, cutaneous disease, and ophthalmia, especially the latter, a low properly regulated diet, with a sufficiency of vegetable acid, rapidly effected a cure; that the want of vegetable acid in the diet was proved by the temporary improvement which resulted from the free use of lime juice, even when no reduction of diet took place, as in the out-of-hospital treatment of cutaneous eruptions; that irrespective of the evidence furnished by the amount of disease that a comparison of the diet with that which is considered necessary in England for a man exposed to the ordinary vicissitudes of a labourer's life, is sufficient to prove how much it is in excess of what is either requisite or safe, the diet of the probation prisoners exceeding by one pound (after allowing for loss by cooking) that which is calculated by competent authorities as sufficient for the former, this excess being supplied in a climate where the demand for food is much less, and where an over supply, from physical laws, must end in the production of functional and, its natural sequence, organic disease.

That the extraordinary prevalence of constipation, a prevalence altogether inconsistent with health, was a strong proof of the diet far exceeding the systemic demand for food.

That the diseases so prevalent amongst the prisoners were almost entirely unknown amongst the troops and population generally in Fremantle; that the Royal Sappers and Miners were exposed to all the exciting causes of disease that the prisoners were, their employment being the same; and that they enjoyed perfect immunity from cutaneous disease, ophthalmia, and dysentery, their general health being excellent.

In support of the second and third assumptions, I adduced illustrations of ocular, cutaneous, and dysenteric disease occurring metastically, the one disappearing immediately on the invasion of the other, thus proving the existence of a morbid condition of the blood not a matter of theory but of ocular demonstration; consequently, I consider myself justified in asserting that if certain local diseases could be traced to the impure blood circulating through the parts, there was no sound physical reason why, in half a dozen people affected with the same morbid condition of the blood, each one should not have a different form of local disease, constitutional predisposition being universally acknowledged.

With respect to the peculiar nature of the blood disease, I stated that, from finding, on microscopic examination of certain forms of skin disease, a low form of vegetation resembling the yeast plant (one of the most primitive illustrations of organic life), there were rational grounds for supposing that the large and badly constituted diet might lead to fermentation and the development of this low form of vegetation, which, after becoming absorbed and circulating for a time in the blood, ultimately might become expelled in the form of local disease. As a proof of the fermentative process going on in the intestinal canal, I mentioned that one of the most common appearances which the evacuations presented in the early stages of dysentery was that of copious frothy stools, in a high state of fermentation, and bearing a general resemblance to yeast.

The foregoing statements are equally applicable to the diseases which have occurred since, no material change having taken place in the sanitary condition of the prisoners; a slight temporary improvement certainly followed a more extended system of hospital admission which I lately adopted, and which I shall allude to in another part of this report; but every day's experience has tended more and more to convince me of the constitutional origin of their diseases, and that the constitutional malady is the result of morbid digestion occurring as an effect of an over supply of food.

I shall commence the subject matter of the present report by adducing additional evidence in support of the constitutional origin of the prevailing diseases, and of their differing from each other only in situation.

The following table, constructed from cases treated in hospital during October, November, and December 1854, demonstrates, beyond the possibility of doubt, the connexion which the dysentery and ophthalmia of the prisoners and ticket-of-leave men bear to the same morbid condition of the blood, and therefore, in speaking of this form, I shall apply the term dysenteric ophthalmia to it, in contradistinction to the other form, which I shall call cutaneous ophthalmia, both objectionable terms, I admit, unless their blood origin is constantly kept in view.

TABULAR RETURN of Twenty-two Cases of Dysenteric Ophthalmia, occurring during the Months of October, November, and December 1854.

Number.	Register Number.	Class of Prisoner.	Name.	Age.	Previous Duration of Disease.	Where Disease Contracted.	Remarks.	Date of Admission.	Date of Discharge.	Result.
1	237	T.L.	Samuel Cooper - -	34	4½ months.	Bunbury.	The disease, after resisting every treatment, was cured on the supervention of dysentery - -	July 27	Oct. 30	Cured.
2	1086	H.L.	William Penolt - -	26	3 do.	Establishment.	Ophthalmia supervened on the recession of dysentery - - - - - -	Sept. 15	Nov. 5	do.
3	2372	T.L.	Michael Leamy - -	28	9 do.	N. Fremantle dep.	Disease originally appeared on the cure of an acute attack of dysentery - - - - -	„ 18	Dec. 9	do.
4	3193	P.P.	Thomas Jackson - -	31	1 do.	Establishment.	Ophthalmia suddenly disappeared one morning, dysentery having set in - - - -	„ 2	Oct. 14	do.
5	2613	P.P.	John M'Cullough -	25	4 do.	do.	Do. do. do. - - - - -	„ 9	„ 30	do.
6	3131	P.P.	John Keemish - -	40	7 weeks.	do.	Disease appeared on the subsidence of a very acute attack of dysentery - - - -	Oct. 6	„ 31	do.
7	1366	P.P.	Thomas Holder - -	27	1 do.	do.	Do. do. do. - - - - -	„ 16	„ 31	do.
8	3003	T.L.	Thomas Edwards - -	24	4 do.	N. Fremantle.	Ophthalmia disappeared on dysentery setting in - - - - - - -	„ 16	Dec. 2	do.
9	2761	H.L.	Benjamin Byers - -	28	5 days.	Establishment.	Ophthalmia appeared immediately on the recession of dysentery - - - - -	„ 17	Nov. 6	do.
10	2401	H.L.	Edward Ryan - -	19	8 do.	N. Fremantle.	Ophthalmia appeared on the recession of dysentery, which had come on after the healing of an ulcer on the leg - - - - - - - - - - - -	„ 20	Oct. 31	do.
11	1773	T.L.	Josiah Ringwood -	23	1 do.	do	Disease appeared shortly after the cure of dysentery - - - - - -	„ 21	„ 29	do.
12	2403	.P.	James Caffrey - -	21	2 do.	Establishment.	Do, do. do. - - - - - - -	„ 27	„ 29	do.
13	1450	P.P.	John Hudson - -	43	6 months.	do.	Ophthalmia occurs metastically with dysentery - - - - - - -	Nov. 3	Nov. 6	Relieved.
14	2355	P.P.	Nicholas Gilshanan -	23	1 do.	do.	Do. do. do. - - - - - - - -	„ 4	„ 11	Cured.
15	1288	P.P.	Joseph Sykes - -	50	12 do.	do.	Do. do. do. - - - - - - - -	„ 4	„ 8	Relieved.
16	2958	H.L.	John Leahy - -	26	14 days.	do.	Do. do. do. - - - - - - - -	„ 9	„ 12	Cured.
17	1479	H.L.	Job Davis - -	21	1 do.	do.	Ophthalmia occurred metastically on this occasion with dysentery, but generally with ringworm -	„ 17	„ 19	Relieved.
18	1684	H.L.	Benjamin M'Donald -	25	5 weeks.	Bunbury.	Do. do., in most marked manner - - - - - -	„ 20	„ 25	Cured.
19	666	P.P.	William Woodward -	30	1 day.	Establishment.	Has suffered very much from dysentery for some time back - - - - -	Dec. 14	Dec. 19	do.
20	1811	H.L.	Charles Webb - -	27	2 months.	do.	Ophthalmia occurs vicariously with dysentery - - - - - - -	„ 29	Jan. 5	do.
21	1423	P.P.	Walter Reeder - -	31	7 weeks.	do.	Appeared on the cure of a chronic and very severe attack of dysentery - - - -	Oct. 4	Nov. 6	do.
22	1664	H.L.	Benjamin M'Donald -	25	5 days.	do.	Occurred on disappearance of gonorrhœa; afterwards occurred vicariously with dysentery - -	„ 8	Oct. 10	Relieved.

The preceding table will be incomplete without detailed histories of one or two of the cases.

The first on the list, register number 237, Samuel Cooper, was admitted into hospital on the 27th July 1854, from the ticket-of-leave depôt at Bunbury, where had been under treatment for ophthalmia for the preceding six weeks, all the routine remedies apparently having failed in exercising the slighest influence over the disease.

On admission, the orbits and lids of both eyes were in a state of intense inflammation. After repeated vesication, free salivation, and the applications of strong solutions of the nitrate of silver, there appeared some slight diminution in the virulence of the disease, but in no way approaching to a cure, the lining membrane of the lids being rough and granular, with profuse purulent discharge. A variety of other treatment was adopted, but on the 14th of August there was not the least improvement. Issues were then formed on both temples, by the application of potassa fusa, which proved of slight temporary benefit, but the disease soon became as bad as ever, notwithstanding the strong solution of nitrate of silver was continued at intervals.

On the 10th of September, his state continuing stationary, the lids of both eyes were everted, and the solid nitrate of silver freely applied to the granulations and inner surfaces of the lids. The result of this severe measure was marked improvement on the ocular disease; in fact, I was altogether at a loss to account for such a change for the better in so short a time, when If ound that the true explanation of it was, that the cauterization by the nitrate of silver had caused metastasis of the ophthalmia to the intestinal mucous membrane; an attack of dysentery, characterised by bloody mucous stools, having set in, in other words, the powerful astringent properties of the nitrate of silver having rendered the blood vessels of the mucous membranes of the eyes incapable of receiving the morbid particles which had been so long deposited in them, with the view of their ultimate discharge from the system, thus compelling nature to select another surface for her safety valve, which she does, preferring one analogous in structure to that from which she had been driven by an agency partially chemical, partially mechanical.

The dysentery continued until the 19th September, the ophthalmia having gradually declined from the moment of its invasion. On the 20th, the bowel complaint disappeared, and there was a marked change for the worse on the eyes, and the intolerance of light again became very severe. On the 26th, the granulations on the lids had nearly become as bad as ever; some ordinary local treatment was adopted without success, and on the 1st of October his condition is thus recorded in the Medical Register:—"The four lids "in a chronic dysenteric state of inflammation; orbids vascular, with a small ulcer forming "on right corner; though the intolerence of light seems very severe, vision, when exer-"cised, appears to be unimpaired." I continued treatment until the 9th of October, when I found there was not the slightest improvement in the eyes, and the tendency to hypertrophy of the mucous membrane evidently increasing. Up to this period, owing to the severity of the remedy, I had avoided re-applying the solid nitrate of silver, but now, owing to the number and size of the granulations, as great difficulty would have been experienced in getting a solid body properly in contact with the whole of the mucous membrane, I determined, if possible, again to produce metastasis to the intestinal canal, using a powerful liquid astringent, so I applied the undiluted solution of the diacetate of lead very freely to both eyes. The following day some improvement was apparent, and the solution was repeated twice that day, and in the evening he expressed himself as feeling the general uneasiness in his eyes much relieved. The remainder of the case I transcribe from my Medical Register.

"October 11.—The most marked improvement has followed the application of the liq. plumbi, the eyes being comparatively well, but acute dysentery has again set in, indicating that metastasis of the disease, which I hoped to produce. The stools are highly characteristic of dysentery, and indicate considerable derangement of the mucous membrane. Free purgation ordered.

"Oct. 12th.—The dysenteric symptoms continue, and the bowels have been freely cleared out; the stools were frothy, and contained considerable portions of disorganized mucous membrane. The liq. plumbi ordered to be continued to the eyes, and a low, easily digested diet ordered, with lime juice.

"Oct. 13.—Ophthalmia nearly gone; dysenteric symptoms continue. Liq. plumbi to be continued.

"Oct. 14.—The dysenteric symptons having continued very severe all day yesterday, and as I was fearful of the disorganization of the intestinal mucous membrane proceeding to too great a length, I ordered in the evening a saturated alcoholic solution of the red gum of this colony (a species of kino) to be given in drachm doses every four hours. To-day, under this treatment, the dysenteric symptoms have considerably abated, and the solution of lead is now commencing to form incrustations on the lids. The solution of red gum to be used as a local astringent.

"Oct. 15.—The improvement in the eyes is so great, that I have changed the diet to 'half;' the granulations have entirely disappeared, and but for a little vascularity of orbit,

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the ophthalmia may be said to be cured. The dysenteric symptoms have also considerably abated. The free use of lime juice to be continued."

On the 17th the condition of the eyes was such as to render local treatment unnecessary, and the mucous membrane of the bowels was also commencing to assume a more healthy condition. The treatment now consisted entirely of a moderate diet, with a liberal allowance of lime juice, and under this treatment his general health daily improved, and he was discharged free from disease on the 30th of October.

Register number 3,193, Thomas Jackson, probation prisoner, was admitted into hospital on the 2d September 1854, labouring under acute ophthalmia of both eyes; he was subjected to active treatment, including vesication behind his ears, solution of nitrate of silver to the eyes, followed by free salivation, and the application of an initiating ointment (tartar emetic) to the temples. On the 8th, as not the least improvement had resulted, on the contrary, as the disease had increased in virulence, I applied the solid nitrate of silver to the inner surface of the eyelids, and on the 9th his case is recorded as follows:—

"The treatment adopted yesterday has been followed by the most remarkable diminution of the ophthalmia, but last night he was attacked with the symptons of acute dysentery (metastasis to internal mucous membrane), voiding considerable quantities of bloody mucous. A purgative was given, and to-day he is voiding masses of matter in a high state of fermentation (frothy stools), containing shreds of membrane and other signs of disorganization; opthalmia entirely gone." Under treatment similar to the preceding case he was discharged free from disease on the 18th of the month.

Register number, 2,613, John M'Cullagh, probation prisoner, was admitted into hospital on the 9th September, labouring under a very aggravated form of ophthalmia, accompanied by profuse purulent discharge. The disease was confined to the left eye, and as the ordinary remedies failed in exercising any influence over the disease, the solid nitrate of silver was applied, and, as in the preceding cases, acute dysentery immediately supervened, with decrease of the ocular disease.

The only peculiarity in this case was, that three days after the invasion of the dysentery, while the eye originally affected was nearly from disease, the sound one had commenced to be attacked. Under similar treatment this was controlled, and the disease confined to the intestinal mucous membrane. He rapidly improved under dietetic treatment, and was discharged convalescent on the 17th September.

He returned to the full probation diet, and was re-admitted into hospital on the 22d of September, with the right eye as bad as the left had been previously. The nitrate of silver was re-applied, but on this occasion it failed to produce metastasis to the bowels, the ocular mucous membrane having become less susceptible of the influence of the caustic from its previous application, and the result was that the case proved of considerable obstinacy, but ultimately yielded to a prolonged course of low diet and lime juice, and he was discharged a second time convalescent on the 31st October.

Since then, considerable care has been required to prevent a recurrence of the disease by a careful attention to his digestive organs, by medicines counteracting the injurious effects of an over ample diet.

I have now to submit to your notice a tabular statement of another class of ophthalmic cases, where the invasion and cure of the ocular disease could be traced either to the recession or accession of cutaneous eruptions. In several of the cases, as in the preceding table of the dysenteric ophthalmia, the two diseases occurred time about, the one appearing immediately on the cure of the other—the cure being of a negative nature, the disease only having altered its site, proving, with all the force of mathematical demonstration, that the disease was not a morbid condition of the textures of the eye, but of the blood nourishing those textures, and equally as prone to attack any other part offering facilities for the deposition of what it is necessary it should free itself of.

TABULAR RETURN of Twenty-two Cases of CUTANEOUS OPHTHALMIA treated in Hospital during the Months of October, November, December 1854.

Number.	Register Number.	Class of Prisoner.	Name.	Age.	Previous Duration of Disease.	Where Disease contracted.	Remarks.	Date of Admission	Date of Discharge.	Result.
1	1177	T.T.	George Parker	33	5 months	Claw Brook	Ophthalmia vicarious, with a pustular eruption about head and neck	June 20	Oct. 30	Cured.
2	2385	P.P.	John M'Cloud	27	4½ do.	Establishment	Do. with ringworm on face	July 31	„ 31	do.
3	2508	R.E.	Christ. Jordon	23	9 do.	do.	Do. with scaly eruption on head and neck	Sept. 1	„ 31	do.
4	2078	„	Richard Johnston	33	4 do.	do.	Do. with boils	„ 26	Nov. 18	do.
5	3150	P.P.	John Turner	30	4 days	do.	Ophthalmia disappeared immediately on the accession of ringworm	„ 28	„ 5	do.
6	1267	R.C.	William Burgess	30	4 months	do.	Suffered severely from fibrinous effusion into mucus membrane of mouth, and followed by ulceration; on the disappearance of which ophthalmia appeared	Oct. 28	Oct. 31	do.
7	2109	P.P.	Charles Jenner	33	3 weeks	do.	Ophthalmia vicarious, with tubercular eruption on lower lip	„ 6	„ 10	Relieved.
8	962	T.L.	John Connolly	30	uncertain	York	Do. with scaly eruptions on skin	„ 11	„ 30	Cured.
9	1563	P.P.	Joseph Brooks	37	2 days	Establishment	Ophthalmia appeared on the cure of dysentery, which had come on on the recession of an extensive ringworm	„ 20	„ 22	do.
10	2470	H.L.	Michael Kennedy	21	14 do.	do.	Vicarious, with extensive scaly eruptions covering whole face	„ 20	„ 30	do.
11	2523	P.P.	Michael Doyle	32	21 do.	do.	Ophthalmia vicarious, with ringworm	„ 20	„ 31	do.
12	3111	„	John M'Menemy	22	2 do.	do.	Do. with scaly eruptions on face	„ 22	„ 31	do.
13	1540	H.L.	John Holmes	25	7 do.	do.	Do do. do.	„ 30	Nov. 5	do.
14	1263	„	Peter Malady	36	3 weeks	do.	Ophthalmia vicarious, with tubercular eruptions on chin	„ 31	„ 11	do.
15	2148	P.P.	Thomas Brown	36	4 do.	do.	Do. with ringworm	Nov. 3	„ 6	Relieved.
16	3091	„	James Heyward	22	2 do.	do.	Ophthalmia appeared on the recession of a tubercular eruption on chin	„ 4	„ 10	do.
17	1522	„	Fred. Allen	22	9 do.	do.	Ophthalmia vicarious, with ringworm	„ 8	„ 18	Cured.
18	2800	T.T.	William Mason	30	8 do.	Guildford	Ophthalmia appeared on the recession of ringworm	„ 9	„ 18	do.
19	1319	„	William Anderson	34	2 days	Establishment	Do. do. shortly after the cure of an extensive eruption of favus	„ 15	„ 25	do.
20	3185	P.P.	Levison Harris	42	3 do.	do.	Vicarious, with favus on cheek	„ 22	Dec. 2	do.
21	857	H.L.	Thomas Blake	25	8 do.	do.	Ophthalmia appeared immediately on the recession of boils	Dec. 4	„ 9	do.
22	3098	P.P.	William West	26	14 do.	do.	Appeared on the recession of a cutaneous eruption	„ 27	„ 30	do.

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The first case on the list, that of ticket-of-leave holder George Parker, was a very chronic and obstinate one, and one where great difficulties were encountered in the way of treatment, partly from the complete hold which the disease had on his constitution, and partly from the disorganized condition of the tissues of the eyes having in a measure rendered them completely callous to the stimulus of local treatment, thus being unable when assisted by art to shake off the disease to some other part; nature, however, occasionally transferred it to the skin, and then the eyes re-assumed their natural condition.

I am glad to say that cases of such obstinacy are now of very rare occurrence, except when received from the out stations, and this I can only attribute to my now directing treatment chiefly against the constitutional disease. In the month of February of last year I had nearly sixty such cases under treatment at the same time.

Parker was admitted into hospital from the Mount Eliza depôt on the 4th of May last; he had been under treatment for some time there, and at the period of admission was labouring under the ordinary chronic form of ophthalmia. He was freely purged, and the solution of nitrate of silver, twenty grains to the ounce, introduced into the eyes three times daily. No improvement resulted from this treatment, which was accompanied by vesication behind the ears. On the 12th May, as he was suffering severely from intolerance of light, and acute orbital pain, I ordered him one grain of opium every second hour, which gave him great relief, more especially after diaphoresis was produced, which however did not occur until the 15th. On the 17th there was most marked improvement on both eyes; but I found that a circumscribed carbuncle had formed on the back of the neck, which was subjected to the cruncial incision, followed by poulticing.

The following morning on examining his eyes I was struck with the extent of the change for the better, which had taken place since a free discharge had been established at the back of his neck, combined with the sweating, which still continued to be profuse. From this time until the fifth of June he gradually improved, and was discharged convalescent on that date to the North Fremantle depôt.

On the 19th of June he had to be re-admitted into hospital, the disease having returned; he was subjected to a variety of treatment, which the limits of this report prevent me entering into, without any material improvement resulting until the 12th of August, when a sudden change occurred for the better, the intolerance of light and lachrymation being entirely gone, and the vascularity of the eyes much reduced; several small boils had formed on each temple; the ophthalmia declined, but as soon as the boils disappeared the eyes steadily began to get worse, and on the 30th of August they were as bad as ever.

Boils were artificially produced on the temples by the tartar emetic ointment, and under treatment directed solely against the disordered state of the blood; he was discharged on the 30th October cured, and I have not seen him since.

The next on the list, register number 2,383, John M'Leod, was admitted into hospital on the 26th of July 1854, with chronic ophthalmia affecting the four lids; the disease originally having appeared on the recession of a large patch of ringworm on the left cheek.

This case resisted every species of treatment until a very low diet, with lime juice, was adopted, and then rapidly declined; he was discharged cured on the 31st October.

On the 4th of December he was re-admitted with ophthalmia confined to the lower lid of the eye; it presented the acute form, and demonstrates in the most perfect manner that identity of ophthalmia and skin disease which I have laboured in this and my last report to prove—the affected eyelid being included in the upper margin of a large patch of ringworm on the right cheek.

The upper eyelid was perfectly free from disease, as was the left eye.

It is unnecessary my detailing another illustration of this form of the disease, as the preceding case is perfect, and has by no means been a solitary one, at the moment I write there being two precisely similar cases under treatment in hospital, besides several others which have occurred lately.

Having thus by tabular returns proved the identity of ophthalmia with cutaneous disease and dysentery, I could, did my space permit, still further prove their identity by adducing (in addition to the preceding forty-four cases) statistical records of forty-nine cases which were either cases of dysentery occurring in connexion with ophthalmia and skin disease, or cases of skin disease complicated with ophthalmia and dysentery, thus making ninety-three illustrations of constitutional disease where nature had to select—if I may make use of the term—more than one point of explosion, leaving 688 cases of the same constitutional disease (there having been 781 cases of ophthalmia, dysentery, and skin disease under treatment during the half year) where she was satisfied with one, or at least where only one was detected.

I will add one other case as an illustration of the ready way in which metastasis of cutaneous eruptions is produced to the intestinal mucous membrane.

Re-convicted prisoner William Hickson has been repeatedly under treatment in hospital for an extensive scaly eruption extending over the whole face, occurring vicariously with dysentery. He was invariably cured after a short residence in hospital, the treatment consisting entirely of free purging and low diet. The case at the period alluded to was

admitted into hospital on the 26th December 1854, then consisting of an extensive eruption of psoriasis extending over both sides of the face and neck. The following day the solution of nitrate of silver, sixty grains to the ounce of water, was freely applied to the diseased surface, and eight hours afterwards an acute attack of dysentery set in characterized by the ordinary symptoms.

Powerful purgatives were then employed, and he passed very large quantities of feculent matter in a high state of fermentation; at one sitting voiding eight pounds by weight. Under the ordinary dietetic treatment he was discharged free from both diseases on the 7th of January.

He returned to his ordinary diet and was re-admitted into hospital on the 5th February with a relapse of dysentery; this disease was relieved by treatment, and he again returned to the reconvicted diet and shortly afterwards the skin disease again attacked the face, and he now remains under treatment for it. This case is an ordinary illustration of dozens of others, as well as being an illustration how utterly useless medical treatment is directed against effects where the patient is permitted to return to the cause.

A careful investigation of the subject since my last report has convinced me that even the reduced diet of the reconvicted prisoners is considerably in excess of what is consistent with their health and capacity for physical exertion.

Two forms of ophthalmia have existed, the one accompanied by purulent discharge more or less profuse, the other by copious lachrymation. The latter form has been comparatively rare, and from a remarkable periodicity in the severity of the attacks, the febrile disturbance preceding them, and the profuse watery discharge ushering in their decline, I have viewed it as a form connected with the critical periods of remittent fever, more especially as the subjects of them in more than one instance were known to me to have suffered from that disease. Another strong proof in favour of this view is that, while the prevailing purulent form derives little or no benefit from change of air, quinine, and other anti-periodic remedies, this form has been invariably cured by them; the cases, however, have been few in number.

The pathology of the purulent form I consider to be the deposition or more properly speaking the arrest in the capillary vessels of the eye, of the products, direct or indirect, of morbid digestion.

The nature of the deposition varies in different individuals; in one, there may be a strong tendency to the morbid nutrition of the mucous surface, illustrated by the warty vegetations which form with a rapidity frequently astonishing, while in another the deposition may not be capable of becoming organized, and thus amalgamating itself with the tissues of the body, and from its presence impeding circulation, and consequently healthy nutrition; while it undergoes a process of disintegration itself, it leads also to the disintegration of the tissues that it has connected itself with, giving rise to aggravated suppuration and ulceration of surface, and frequently to destruction of vision.

Several forms of dysentery prevail, the type depending on the peculiar nature of the morbid action established in the intestinal mucus surface. In some cases there is every reason to suppose that the intestines become the seat of pustular and other eruptions, similar to those prevailing on the skin; but in the most aggravated forms, I believe that the functions of the minute glands which abound on the inner surface of the intestines become arrested, their structure disorganized, and filled with a peculiar yellow secretion, differing in several respects from ordinary purulent matter.

On post mortem examinations of three cases which have occurred since I have been connected with the establishment, I found the intestines as described above, and in a fourth they were studded with a copious pustular eruption, in every respect resembling one of the prevailing forms of skin disease.

With respect to the mode of treatment pursued by me, it has been simple in the extreme; on no occasion have I made use of remedies without a distinct object in view, and the result has been, that with the exception of purgative medicine, and certain local remedies, necessary for the treatment of ophthalmia and skin disease, the general consumption of drugs has been much under what is the average at the ticket-of-leave depôts. My treatment has been essentially devoted to improving or rather repairing the shattered organs of digestion. The great difficulty I have had, and still have in commencing the treatment of almost every form of disease is torpidity of the bowels, amounting I may say, more to paralysis of the expulsive powers of the intestinal tube, than to ordinary constipation or anything approaching to that condition. Finding how completely hopeless it was to effect any permanent improvement on the health of a large number of men, who were more or less constantly on the sick-list, one week with ophthalmia, another week with dysentery, and a third with skin disease, so long as they were permitted to return to their ordinary diet immediately after having received some palliative remedy, towards the end of November last I abolished the system which has existed of taking men into hospital for the day (by which they did not appear as cases treated in hospital, returning to their wards at night), and took every man into hospital that was not fit to go out to his work on the morning of reporting himself sick. The success of this system was such, that I much regret I did not adopt it long ago, but to abolish what had been an established custom, some little experience was necessary.

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To the system of admitting men into the hospital for the day there appears to me to be many objections.

1st. It affords facilities and inducements for the feigning of disease, not only when the medical officer is present, but also on the works, thus enabling men frequently to escape a considerable portion of their day's labour. The knowledge which they now possess, that in reporting themselves sick, they must either have the remedies necessary for the treatment of their symptoms and return to their duty, or be regularly admitted into hospital and undergo the rigorous purgative and dietetic treatment, which is almost invariably, but never unnecessarily pursued, has completely put a stop to malingering, which at one time was far from an uncommon occurrence.

2d. Experience has proved to me that on taking men into hospital for the day little or no good was derived, as they almost invariably ultimately required to be regularly admitted, and generally with their ailments in a state more difficult to treat than if they had been taken in at once. The cause of this is very plain, the symptoms they suffer from are, with few exceptions, those incidental to morbid digestion and assimilation, they are subjected to certain palliative treatment for the day, and their diet stopped according to the nature of their symptoms, but on their discharge in the evening, they return with renewed vigour to the actual cause of their disease, gorge themselves, and are back in a day or two as bad, or worse than ever. In addition, I have generally found that when a man has required one day's treatment in hospital, he has required a second, and consequently he might have been as well admitted at first.

3d. By taking a man into hospital for the day, the service loses not only his labour, but the diet furnished to him as an equivalent for that labour, whereas by regularly admitting him into hospital, even for a day, there is the difference betweed the value of spoon diet, consisting of 8 oz. bread, 2 pints of tea, and 6 oz. of milk, and probation diet, consisting of 1 lb. meat (14 oz. in summer), 1 lb. 10 oz. bread, 1 lb. potatoes, 1 pint thick soup, and 2 pints of tea, as a set off against it, besides saving the small daily pecuniary remuneration allowed the prisoner, as well as adding a portion of a day to the time that his labour is compulsory to the Crown.

A fourth objection is that such a system tends to mark the real amount and nature of the sickness prevailing, giving an aspect of slightness to what is frequently a serious chronic disease, while the duty of a medical officer attached to such an establishment is by no means to exaggerate the extent of disease, or to attach a serious importance to what is trifling, it is at the same time his imperative duty on no account, either to save himself trouble, or to suit the opinions, wishes, or interests of others, to keep down his list of hospital sick, and thus give a fallacious aspect to the sanitary condition of his charges.

In connexion with this subject I have to bring under your notice an extraordinary statement made by the board of visiting magistrates, in their report dated 1st December 1854, in relation to the diseases under treatment in hospital on the occasion of their visit, but before so doing I will detail the circumstances which lead to my becoming conversant with it.

On the 19th December last the principal medical officer visited the hospital, and from what little he stated to me, I could perceive that his visit was the result of some report relative to the system I was pursuing in regard to the medical care of the prisoners. I immediately addressed a letter to the superintendent to the effect that, having been given to understand some correspondence had taken place relative to my treatment of the prisoners, I might be furnished with a copy of it. In reply, the superintendent informed me that he was not aware any correspondence had taken place relative to my treatment of the prisoners.

I was at a loss to account for the apparent discrepancy between what the superintendent stated, and what I could not but infer from the visit of the principal medical officer, and therefore concluded that, as no correspondence had taken place, still that a report must have been made, and that by the board of visiting magistrates. I therefore applied personally to them, on their visiting the establishment on the first of the present month, to be informed of the nature of this report.

The president of the board read that portion which referred to the health of the prisoners, and to my surprise and regret, I was obliged to characterize it as containing sthtements altogether at variance with what was the case on the occasion of their visit.

Their statement was to the effect, that while the total number of prisoners was 462, there were 79 under treatment in the hospital, and that on inquiring into the nature of the sickness, they found that the men were chiefly suffering from slight cutaneous eruptions and slight sores, the effects of the sun. On this account they recommended the appointment of a medical board to inquire into the subject.

I shall refrain from any comment on this statement beyond annexing a tabular return of the diseases of the 79 men alluded to in their report copied from the diet table for the day, leaving it to the board to explain how they fell into such an egregious error.

RETURN of DISEASES under Treatment, on the Occasion of Magisterial Visit for December 1854.

Name of Disease.	No.	Cases.	Name of Disease.	No.	Cases.
Amputation of foot - -	1	Case	Insanity - - -	3	Cases
Loss of vision - - -	1	,,	Erysipelas of foot - -	1	Case
Ophthalmia - - -	29	Cases	Whitlow of thumb - -	1	,,
Suppuration of lungs - -	1	Case	Inflammation of gullet -	1	,,
Scrofulous disease of wrist joint - - -	1	,,	Abscess on hand - - -	1	,,
Chronic disease of liver - -	1	,,	Fever - - -	5	Cases
Stricture of urethra with perennial fistula - - -	1	,,	Neuralgia of foot - -	1	Case
Injury of leg - - - -	2	Cases	Ulcers on leg - - -	1	,,
Injury of spine and dislocation of wrist - - -	1	Case	Injury of hand - - -	1	,,
Eruptions of skin - -	7	Cases	Abscess on arm - -	1	,,
Inflammation of lungs - -	2	,,	Abscess on heel - - -	1	,,
Neuralgia - - -	2	,,	Inflamed glands - -	1	,,
Dysentery - - -	9	,,	Abscess of foot - - -	1	,,
Inflammation of throat - -	1	,,	Injury of knee - -	1	,,
			Total - - -	79	Cases

With reference to the preceding table I have further to remark, that 22 of the 79 cases were ticket-of-leave men, thus reducing the number of sick prisoners to 57, one less than the daily average of sick during the previous half year.

If the magisterial report was intended to convey an impression that the amount of hospital sick was kept unnecessarily high, I have to state, that if I have erred in the discharge of my duties connected with the establishment, it has been in taking too few and not too many into hospital. Want of accommodation, and the serious loss which would accrue to the public service by the withdrawal of a large number of men from the public works, have prevented me carrying out such a system of hospital admission as the general bad health of the prisoners has for some time demanded.

During the six months over which this report extends, the casual sick reports amounted to 2,320, which you will perceive I have reduced in my statistical tables to 1,474 individual cases, and of these only 578 were treated in hospital.

Being in ignorance of the nature of the report which the principal medical officer made relative to his inspection on the 19th December, I must pass over his visit without comment, beyond stating the satisfaction it will afford me to give you in detail the histories of the 79 cases alluded to in the magisterial report, as well as those admitted between that period and the visit of the principal medical officer.

My anxiety to impress upon you the urgent necessity which exists for a complete reconstruction of the diet of the whole convict establishment, induces me to submit to you the following table, not of past cases, but of cases under treatment at the moment I am writing, and in no way presenting features different to the cases which have been of daily occurrence during the last twelve months, that you may be able to form some idea of the Augean task I have to fulfil.

I would fain hope that the very serious facts, not theories disclosed by the annexed table, will prove to you the reality of the grounds on which in my last report I most strongly advocated reduction of diet, erring, however, in recommending the adoption of the reduced diet of the reconvicted prisoners, which additional experience has convinced me is considerably in excess of what is either consistent with the health or the capacity of the men to perform an average day's work.

TABLE illustrative of the extraordinary Condition of the Bowels occurring as a Symptom of the Forms of Dysentery, Ophthalmia, and Skin Disease, prevailing amongst the Prisoners and Ticket-of-leave Men, selected from Cases under Treatment in Hospital on the 15th February 1855.

Reg. No.	Name.	Age.	Class of Prisoner.	Disease with which admitted.	Medicine administered before any Movement of the Bowels could be effected.								Matter dislodged by Purgative.		Remarks.
					Purgative Injections.	Scammony.	Calomel.	Compound Jalap.	Castor Oil.	Epsom Salts.	Croton Oil.	Colocynth and Blue Pills.	Non-Feculent Matter.	Feculent Matter.	
						Grains.	Grains.	Grains.	Ounces.	Ounces.	Drops.		lbs.	lbs.	
1450	John Hudson	43	P. P.	Ophthalmia	2	8	10	240	1½	—	6	4	2	17	Fæces in a high state of fermentation.
1553	James Wilkinson	21	H. L.	Eruption on chin	2	—	10	240	1½	2	4	2	Uncertain	22	Preceded by blood, mucous and purulent matter.
1963	Charles Wells	26	,,	Dysentery	2	—	10	240	1½	2	4	2	Do.	None	Blood and mucous voided. Bowels inert.
1086	Mathew Hendrie	23	,,	Do.	3	—	15	360	3	4	8	4	3	8	Non-feculent matter; resembled pea soup.
2212	Thomas Whitehouse	31	,,	Do.	2	—	15	360	3	4	8	4	Uncertain	None	Blood, mucous, and pea-soup matter voided.
3100	Michael Miles	37	P. P.	Ophthalmia; ringworm	—	—	—	—	—	—	—	—	7	9	Fæces consisted of hardened balls about size of an orange.
2470	Michael Kennedy	21	,,	Dysentery	3	—	15	360	3	2	6	2	Uncertain	23	Do. in a high state of fermentation.
1568	Adam Waite	46	,,	Abscess on chest	2	8	10	240	1½	—	6	4	Do.	16	Do. do. with quantities of undigested food.
3119	John Gear	39	,,	Dysentery	2	—	15	360	3	4	8	4	4	None	Pea-soup matter with shreds of membrane.
1293	Thomas Jones	40	H. L.	Ophthalmia	2	—	5	120	—	—	2	2	None	13	Portion of fæces, seemed putrid.
2618	Anthony Cain	25	P. P.	Ringworm	2	—	15	360	1½	—	6	4	3	1½	Fæces in a high state of fermentation.
1785	Alfred Poynter	23	H. L.	Œsophagitis	2	—	15	360	1½	—	6	4	Uncertain	None	Matter voided, semipurulent.
2136	Michael Macnamara	23	,,	Gouty inflammation of knee	3	—	5	120	3	6	8	—	7½	10½	A portion of fæces quite decomposed.
82	Peter Lewis	25	,,	Ringworm	4	—	15	360	1½	4	6	24	Uncertain	14	Fæces quite decomposed.
3038	Arthur Cambell	50	,,	Neuralgia	2	8	10	240	1½	—	6	4	None	19	Do. tolerably healthy.
748	James Linkater	23	,,	Dysentery	2	—	15	360	1½	—	6	4	Uncertain	10½	Matter voided, dark coloured decomposed fæces.
3124	James Holland	—	,,	Do.	2	8	10	240	1½	—	6	4	3	13	Feculent matter mixed with yellow slime.
1560	Hugh Galvin	27	P. P.	Do.	2	—	10	240	1½	4	5	4	6	8	Matter voided very putrid.
3177	George Bain	41	H. L.	Do.	3	—	10	240	1½	4	5	4	10	9	Evacuations were of the most putrid nature.
1074	James Shepherd	67	,,	Do.	2	—	10	240	1½	4	5	4	4½	None	Matter voided, yellow slime streaked with blood mixed with gelatine.
1267	William Burgess	30	,,	Œsophagitis	2	—	10	240	1½	4	5	4	Uncertain	Do.	Repeatedly under treatment for same disease.
102	Murdock M'Glenchie	28	,,	Dysentery	2	—	—	—	3	2	5	—	Do.	18	Evacuations tolerably healthy.

The success of a more extended system of hospital admission was proved by the small number of men under treatment at the termination of the past year, compared with what remained in June, there being only 30 in place of 80. A further proof is the reduced number of men that reported themselves sick, and the improved condition of their general health during January, compared with the increased number of men that have required treatment since the commencement of the present month; clearly showing that one month's return, more or less, to their prison diet, is sufficient to upset all the benefits derived from previous medical treatment. In fact, the whole body of prisoners, with the exception of those in hospital and on bread and water, may be said to be constantly exposed to a morbific influence, its operation being analogous to that of a slow poison; the rapidity of its action, the amount and nature of the mischief done by it depending on constitutional susceptibility, combined with the operation of certain external sources of irritation. Thus, to make use of the language of the schools, without binding myself to its correctness, while we recognize excess of diet as the predisposing cause, the morbid digestion and nutrition resulting from it as the proximate cause or actual constitutional disease, the irritation of the sun, sand, or overloaded intestines, becomes the existing cause of that external agency by which diseased blood is induced to display itself in the form of ophthalmia, cutaneous eruptions, or dysentery.

Such a state of constitution ought not to be the case in a healthy locality like Fremantle, where what little endemic disease exists is of the mildest description, and where the general health of the whole community is excellent, considerably less than an average amount of sickness prevailing amongst the troops, women, and children, and less than in any station I have ever served.

My field of observation outside of the prison has been a sufficiently wide one to justify me drawing the comparison, the numbers under my medical care considerably exceeding those of the prisoners; the military, including women and children, amounting to nearly 600, while the officers and their families belonging to the convict establishment, including the water police, amount to about 300, making a total of 900; in addition to which I have charge of upwards of 150 ticket-of-leave men at the North Fremantle and Fresh Water Bay stations.

The general good health of the military is remarkable, when we take into consideration that the force of enrolled pensioners is composed of men, more or less of shattered constitutions, the effects of long service, climate, wounds, and previous disease, and all of whom have been discharged from their respective corps by medical boards as unfit for further service. These men enjoy excellent health, though the duties they are called upon to perform here are of as severe a nature as those pertaining to regiments of the line, undergoing exposure to the night air, mounting guard in the immediate site of the convict establishment, an additional proof that the diseases of the pensioners are in no way connected with the situation of the prison. This class of men are also more or less continually exposed to the same atmosphere as the prisoners both night and day. A considerable proportion of the warders being composed of pensioners discharged from the enrolled force, and these men also enjoy perfect immunity from the diseases of the prisoners, as, in fact, do all the officers connected with the convict establishment.

As an illustration of the preceding statement, the total number under treatment in the military hospital, from the 1st January 1854 to the 1st January 1855, was 55 cases, and of these, two were cases of ophthalmia and one was a case of dysentery; the ophthalmic disease was of a kind altogether different from that prevailing amongst the prisoners, being the result of mechanical injuries received in the blacksmith's shop.

From a glance at the enormous quantities of the most powerful purgatives, doses more suited for horses than human beings, it might almost be asked, if it is not better to leave nature to do her own work, and by degrees get rid of her superfluous stores; but such an expectant system of medicine is not admissible in the treatment of the prisoners and ticket-of-leave men of Western Australia, where the re-absorption of the putrid contents of the intestinal tube, and the consequent re-entry into the blood of decomposed matter, leads to its arrest in most important organs, occasionally leading to their rapid destruction, an illustration of which has just occurred, as I was completing the preceding table. It is by no means an isolated case, several similar ones having occurred, and therefore I give it to you in detail, as a picture from nature of the grave results of a neglected condition of the alimentary canal, occurring as a consequence of a greater load being thrown into it than its natural muscular powers are capable of expelling.

The following report of the case is transcribed from my daily medical register:—

"Ticket-of-leave holder John Cook, register, 2835; admitted into hospital 17th February 1853.

"February 17th.—This man has just left the York depôt, where he has been for the last ten months, his general health having been bad. Suffering from chronic bowel complaints and what he calls rheumatism, also from occasional attacks of ophthalmia. He is now labouring under one of the most virulent attacks of ophthalmia I have seen in the colony, the purulent matter literally pouring from the eyes.

"Two ounces of sulphate of magnesia in a decoction of senna, followed by a purgative injection, were given, blisters were applied behind the ears, and a solution of alum and wine of opium was dropped into the eyes every two hours.

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"18th.—Blisters have risen well and discharge freely; some little improvement on eyes; bowels stated to have been freely evacuated.

"The solution of alum and wine of opium to be continued as yesterday; mercurial ointment to be applied to blistered surface.

"19th.—This morning there is a tendency to deposition between the layers of the cornea; vascularity of lids much reduced, but still the indications for mercury are unequivocal.

"Two grains of calomel and one fourth of a grain of opium were ordered every second hour, and the mercurial application to be continued behind the ears.

"20th.—Fibrinous effusion becoming more marked between the layers of the cornea; serious opacity and probable destruction of vision to be feared.

"The mercurials to be continued.

"21st.—Mouth not yet affected by the mercury; fibrinous deposition on the increase.

"Mouth very freely affected; great change has taken place during the night, the fibrinous deposition between the layers of the cornea having suppurated and caused protrusion of the external layer, though the abscess has not yet burst. Vision may be looked upon as gone.

"Symptoms of the other eye becoming similarly affected, the cornea having assumed a cloudy aspect, as if deposition was commencing in it.

"The wine of colchicum and the solution of the muriate of morphia was ordered in half-drachm doses every three hours, and the mercurial ointment to be continued to the blistered surfaces.

"Vesper.—Ten pounds and a half of decomposed fæces voided since the morning visit.

"Two ounces of sulphate of magnesia in eight ounces of decoction of senna.

"23d.—Yesterday evening, owing to the exceedingly unhealthy nature of the large quantity of decomposed fæces voided, and the indications which existed of more remaining, the above saline aperient was administered, and has brought away two thirds of a close stool, full of the most putrid matter I ever saw voided by a human or any other being, consisting of pure pus, masses of sanguineous gelatin, portions of sloughy membrane, here and there quite gangrenous, mixed up with several pounds of decomposed fæces, literally alive with the fermentative process.

"Last night the state of the eyes was as follows:—Cornea of left eye becoming cloudy; small ulcer, about the size of a pin's head, on its centre; palpebral and orbital conjunctivæ of a bright crimson, and literally pouring out pus as fast as it could be wiped away.

"The vision of the right eye is entirely gone, the layers of the cornea being completely separated and the intervening space filled with pus or softened fibrin; at the lower margin it protrudes, forming a species of purulent staptryloma; at the upper margin of the cornea there is a depression, as if the wall has given way, allowing the deposition to escape, consequently some obstruction must exist between the layers, otherwise the small abscess would evacuate itself also.

"The conjunctivæ present the same appearance as described in the other eye.

"The solid nitrate of silver was applied carefully to the left eyelids last night, and the undiluted solution of diacetate of lead to the right eyelids, but not the slightest improvement has resulted. The applications were made with great care, and every precaution used to keep them off the abraded orbital surfaces, from the tendency which both preparations have to cause tedious opacities if the metallic portions become encrusted on an ulcerated surface.

"Not the slightest improvement has resulted from either applications.

"The solution of alum and wine of opium to be applied to both eyes every second hour, and one drachm of the nitrate of potass in two ounces of water every two hours.

"24th.—During the night three parts full of a close stool was voided, of putrid matter, containing a fluid matter like green paint, which appeared to be gangrenous sloughs; the smell was really intolerable, indicating the most advanced stage of decomposition.

"Early this morning as much more was passed, and, on examination, I found it as described above.

"A remarkable change has taken place on the conjunctiva of both eyes; the discharge of pus is nearly gone; the inflammatory swelling completely reduced, but the parts which yesterday were of a bright crimson now present a light purple shade; the countenance has also a slight tendency to lividity, and the general aspect of the man, including his pulse, indicates great prostration of the vital powers. The fibrinous deposition in the left cornea is advancing slowly.

"The nitrate of potass ordered to be continued every alternate hour, with one ounce of port wine.

"The solution of alum and wine of opium to be continued.

"Vesper.—Feels a little better; the lividity of the conjunctivæ much less, and vascularity here and there decreasing.

"Nitrate of potass and wine to be continued every alternate hour during the night.

"25th.—Very much improved; vision clearer from left eye; fibrinous deposition arrested.

"The wine and potass to be continued as formerly.

"This treatment was continued, with the best results, until the 27th, when it was omitted, the progress of the disease being completely arrested."

Thus, while one eye has been totally destroyed, the sight of the other one is so impaired as to render it doubtful that the man will ever be otherwise than a burden to the Crown. Such cases, but generally confined to one eye, have been of very frequent occurrence at the ticket-of-leave stations, as I have had ample experience of, from the men ultimately requiring to be removed to the chief establishment hospital, and their occurrence has also been mentioned to me by the principal medical officer, if I mistake not, at the Guildford depôt.

But more serious results than loss of vision occur as a sequel to an overloaded condition of the alimentary canal. I have seen the sacrifice of life, from disintegration of the lungs, which I have every reason to suppose was owing to the deposition of morbid matter, either re-absorbed or retained in the blood from paralysis of the intestinal tube, several cases of which I could adduce did my space permit me.

Recurring to the table illustrative of constipation, take the case of Bain for instance. After 3 purgative injections, 10 grains of calomel, 240 grains of compound jalap, 1½ oz. of castor oil, 5 drops of croton oil, 4 colocynth and 4 blue pills, with 4 ounces of sulphate of magnesia, a considerable quantity of decomposed matter was brought away; but as purgatives seemed to have but little effect, and the man declared he was well and fit for his duty, I discharged him, in the hopes that the mere mechanical weight of additional food might, by its *vis a tergo*, dislodge what I believed still remained; but I was disappointed, for he returned in two days, complaining of gastric uneasiness and the ordinary symptoms of chronic dysentery, and the following additional purgatives were required:—4 ounces sulphate of magnesia, 240 grains of compound jalap, 10 grains of calomel, 8 grains of scammony, 6 grains of gamboge, 2 purgative injections, 12 colocynth pills, and 12 blue pills, bringing away 11 pounds of semi-putrid matter, mixed with a quantity of decomposed fæces, mucus, and shreds of disorganized membrane, the quantity voided more than filling an ordinary close stool.

Thus making a total consumption of purgative medicine as shown in the annexed return:—

Purgative Injections.	Compound Jalaps.	Calomel.	Salts, Epsom.	Pills.	Castor Oil.	Croton Oil	Scammony.	Gamboge.	Amount evacuated.
5	480 grs.	20 grs.	8 ozs.	32	1½ ozs.	5 drops.	8 grs.	6 grs.	Thirty pounds of feculent matter more or less in a state of decomposition.

To a professional man such a statement must almost appear incredible, except as an extraordinary isolated case, when it is taken into consideration that 60 grains of compound jalap and 5 grains of calomel is a powerful purgative dose, or that few people resist the appeal of 2 colocynth pills followed by an ounce of Epsom salts. Were such cases of rare occurrence I should never dream of bringing them forward in this manner, but they form the daily routine of my practice, entailing upon me an amount of disgusting research and actual professional labour exceeding that, I do not hesitate to say, of the whole convict medical service put together.

Dr. Andrew Combe, in his well known work on the Physiology of Digestion, remarks,—"That the prevalence of over eating is a general error in society, especially amongst the sedentary, is strongly presumable, even without direct proof, from two almost characteristic circumstances, namely, the frequency of indigestion in one or other of its numerous forms, and the almost universal use of purgative medicines, with a view to remove from the system the superfluous materials which have been poured into it without any natural demand.

"It is certain that in the natural state of man the bowels are quite able to act regularly without the aid of laxatives; if they are not, the Creator must have failed to accomplish his aim, a conclusion which no rational mind can arrive at. If, on the other hand, they are intended and constituted to act without external aid, it necessarily follows that a wide departure from the order of nature must have taken place somewhere, to produce the inactivity which is now so generally complained of, especially amongst the middle and higher classes, and among females. On the principle we have laid down, that nourishment requires to be proportioned to waste, it will not be difficult to explain in what this departure consists. It is in the mode of life being far too sedentary to admit of a sufficiency either of the natural waste, which alone renders nourishment necessary, or of that constantly recurring contraction and relaxation of the abdominal and respiratory muscles, which has been pointed out as aiding so effectually the peristaltic motions of the intestinal canal. If, in conformity with the diminished wants of the system, we reduce the quantity of food and increase the exercise, neither the oppression of repletion nor the need of opening medicines will be felt. But if, along with diminished exhalation and diminished muscular action, we persevere in eating copiously of nutritious aliments, either digestion must fail, the system become too full, or some artificial stimulus be given to aid the bowels in expelling their

superfluous contents. Such, accordingly are the results observable in every day life; one man is saved for a time from more serious evils by his stomach enfeebled and refusing to digest the excess of nourishment it receives. In another, whose digestion is more vigorous, the system becomes full and excited to the brink of active or inflammatory disease, a sudden attack of which brings him to the tomb; while a third gets rid of the load by stimulating the bowels to higher action than is natural to the mode of life; in other words, artificial waste is excited by purgatives to supply the place of that which ought to result from the active use of the bodily powers, and which alone renders a full diet proper and safe."

How much then must the diet of the prisoners be in excess, when, notwithstanding their active employment in the open air, such a condition prevails as that of which the case of Bain may be taken as a type.

Dr. Combe further remarks,—

"But it should never be forgotten that there are certain states of the system in which constipation or inaction of the bowels is a symptom of grave import. The mucous coat of the bowels is studded throughout its whole length with innumerable small glandular bodies, whose office is to secrete the effete matter of the system into the intestinal canal. In this respect the function of the mucous membrane is precisely analogous to that of the skin, the only difference being that, in the former case the excretions are, for obvious reasons, collected in a receptacle in order to be evacuated at convenient times, while in the latter, the transpiration escapes directly into the atmosphere. We are all familiar with the bad effects of checked perspiration; the effects of checked secretion of the mucous coat of the bowels are not less injurious, though less palpable to cursory observation."

Is it strange then that I should identify the local derangements of the prisoners with a condition of their bowels, the most unnatural and loathsome that well can be conceived, a condition, in fact, such as, after ten years extensive practical experience, I never witnessed until I became connected with the convict service in Western Australia?

Some explanation is necessary for my thus converting a general report, in a measure, into a medical dissertation, but the importance of the subject, and the facts that no steps have been taken with respect to instituting an inquiry, by a medical board or otherwise, into the correctness of the views I advanced in my last report, render it a duty due to the public service that I should spare no labour in endeavouring to substantiate them.

Certainly, my last report was submitted by you to the newly-appointed principal medical officer, who was pleased to express his dissent to all the views advanced by me, at least, so I have been informed, as, notwithstanding my repeated applications, I have been unable to procure even a sight of the observations of this officer, and I have only to repeat what I stated to you in my letter of the 28th of December 1854, that I am not prepared to allow that the principal medical officer was competent to express an opinion on the practical merits of my report, as he had no connexion with the convict service, and had never once been inside of the establishment hospital during the period over which the report extended, and, consequently, never having witnessed any of the diseases alluded to, could have no practical acquaintance with the subject, nor had he time or opportunities to acquire a practical acquaintance with the peculiar condition of the prisoners between the date of his first visit (9th August 1854) and the day on which he handed the observations in question to you (17th November), between these periods having paid two visits, which were more devoted to the general economy of the hospital than to an inquiry into the natural history of the prevailing diseases.

The essential points in my report were, that the prevailing diseases (ophthalmia, dysentery, and ringworm,) were mere local varieties of a constitutional disease occuring as an effect of an over supply of food.

The principal medical officer, though not at the time officially connected with the convict service, formed one of a general board that fixed the present scale of diet, and therefore was not an unprejudiced reviewer of my report. But if excess of diet was not the cause of the extraordinary prevalence of certain diseases, and an average daily sick list of fifty-eight, we will examine the only other influences which could be advanced.

1. Atmospheric Causes.

A. *From the general locality of Fremantle.*

That such is not the case is proved by the fact that the diseases prevailing amongst the prisoners are altogether unknown amongst the community generally.

The form of disease prevailing amongst the ticket-of-leave depôts is identical with that prevailing in the chief establishment; the most aggravated cases of each form of disease that I have had to treat having been received from ticket-of-leave depôts, not only from those in the vicinity of Fremantle, but from the most distant ones, in fact from every one of them.

B. *From the peculiar site of the present establishment.*

There are no grounds whatever for such a supposition; in fact, the strongest proofs against it, as far as the prevailing diseases are concerned.

C. *From exposure to peculiar miasmas during their daily labour.*

If this was the case, the Sappers and Miners, warders, and free mechanics would be milarly affected.

D. *From numbers of men sleeping in crowded and badly ventilated wards.*

The wards, on the contrary, are exceedingly well ventilated, and I have been frequently struck, on visiting them at night, with the little foul air that existed compared with what I have generally noticed to be the case in soldiers' barrack rooms, and invariably between the decks of troop ships at night, and still no such diseases were ever induced by the bad ventilation.

The only badly ventilated ward in the establishment is the hospital; in addition to the exhalations from a number of sick, generally far exceeding the accommodation, it is exposed to the fumes ascending from the general wash-house, bakery, and kitchen, and yet the men are almost invariably cured of the disorders which have originated in a much purer atmosphere.

With the exception of three of the hospital orderlies, who have suffered occasionally from slight febrile paroxysms, the result of long confinement and a species of sedentary occupation in a confined atmosphere, during the one year and nine months that I have been connected with the establishment, not one case of constitutional disease has originated in the hospital.

2. From Contagion.

I have been unable to find any evidence in support of the idea of the diseases being propagated by contagion; in fact, there are the strongest proofs against it.

Ophthalmia is occasionally a contagious, or, more properly speaking, an infectious disease; the form in question is not.

I have investigated the subject with considerable care, and have been unable to detect the slightest grounds for the supposition, not one case of ophthalmia, dysentery, or cutaneous disease having originated in the hospital, with such exceptions as I have already mentioned, where certain diseases appeared and disappeared alternately, as mere local varieties of a general constitutional affection, indicated by one or other local disease, with which the patient was admitted.

The hospital orderlies, the men of all others most exposed to contagion, have enjoyed perfect immunity from ophthalmia during their employment in the infirmary; one of them, Patrick Doolan, had been specially employed for nearly eighteen months attending the ophthalmia patients without ever displaying the slightest tendency to the disease. He went out on ticket of leave, and was sent to the Guildford depôt, where he had not been a fortnight before he began to suffer from ophthalmia, and in six weeks afterwards he was admitted into the hospital of the chief establishment, labouring under the most virulent form of purulent ophthalmia. Another very strong proof against contagion is that in two patients labouring under amaurosis (loss of vision from disease of the optic nerve), where the eyes externally appear perfectly healthy, I introduced some of the discharge taken from different ophthalmic patients, acute as well as chronic cases, without its producing the slightest effect, clearly showing that the disease must be developed in the blood and not acquired from external sources, but as a result of morbid digestion.

3. From Bad Water.

It is only the prisoners on the two largest scales of rations that suffer bad health; if the water had any detrimental influence, those on the reduced cell diet and punishment diet of bread and water, are equally exposed; in fact, the more water they drink and the less food they consume, is the great cure for the prevailing diseases, as shown from the rapid improvement which takes place on their general health after they have undergone a course of punishment on bread and water. I have seen cases, both of ocular and cutaneous disease, and also cases of dysentery, completely cured by twenty-one days bread and water, inflicted by magisterial sentence, not medicinally.

4. From moral Depression resulting from their Position as Prisoners.

Such a supposition is altogether untenable in Western Australia.

That there are any grounds for moral depression resulting from their condition as prisoners in this colony I deny; on the contrary their condition is such as to develop quite a contrary state of feeling, for I maintain that eighty per cent. of them are better off than they ever were in their lives before, and their prospective social position much improved.

The men most exposed to such an influence are those under solitary confinement in the cells on reduced diet, and they enjoy perfect immunity from the disease in question, and enjoy far superior health to the general body of the prisoners.

As I stated before, I know no cure for the diseases so often mentioned as the depressing influence of twenty-one days bread and water in a dark cell, of which I have weekly examples.

But supposing moral depression does exist, and we recognize it as a cause of the extraordinary predisposition to disease at present existing amongst the prisoners, how ought it to be treated? certainly not by an enormous diet, but by a moderate and nutritious one properly adapted to the impaired organs of digestion, for it is a universally recognized fact, that nothing exercises such an injurious influence over the secretions of the gastric juice, and the general healthy tone of the digestive organs, as mental depression, and no one, unless totally ignorant of the subject, would ever dream of asking a stomach thus

weakened to digest a daily allowance of food exceeding by nearly one pound and a half that calculated by competent authorities as sufficient for a man exposed to the ordinary vicissitudes of a labourer's life in England, the dinner alone containing as much, in some instances (the sawyers and blacksmiths, about sixty in number, who are allowed extra rations) considerably more than the amount of solid food calculated as sufficient under the circumstances alluded to.

5. That the peculiar Training which the Men have undergone in Prison in England predisposes them to Disease.

This appears to me to have no influence whatever, as regards the general mass of the prisoners; certainly in the case of the only Irish convicts we have received, they arrived here in very bad health, the result of the sudden change to ship board, and from the simple and nutritious ones in use at Spike Island and Mountjoy prisons, from where the prisoners principally came; in addition to which they were exposed to the depressing influence of epidemic disease on board the "Robert Small" convict ship, and to an aggravated form of scurvy which prevailed on board the "Phœbe Dunbar;" and unquestionably the system pursued towards them here exercised a most beneficial influence for a short time, as alluded to in my report for the half year terminating 31st December 1853, but they very soon began to suffer from the diseases incidental to repletion like the other prisoners.

The men convicted in the colony, who have undergone no previous prison training, suffer as much as the English prisoners after but a few months confinement on the full prison diet, and the military prisoners received from India have suffered most severely, after but a few months exposure to the effects of diet altogether unsuited for the climate.

Every fact connected with the sanitary history of the prisoners points to excess of diet as the predisposing cause of their diseases. How are we to explain away the fact that the men who display the greatest predisposition to disease are the sawyers and blacksmiths, receiving an extra ration of bread and meat in consideration of the additional fatigue pertaining to their duties; and that the men who display the least predisposition to disease are those on the lowest scale of diet, and most liable to be affected by depressing moral influences?

That men daily exposed to the tear and wear of muscle and increased respiration incidental to the occupations of sawyers and blacksmiths can consume more food, without injury to health, than men less actively employed, is consistent with the conclusions arrived at by modern science, but the bad health (almost entirely diseases of the digestive organs) that this class of men enjoy here is a proof that their allowance of food is considerably in excess of what their system is capable of appropriating, and consequently also of the demand created by their more active employment.

With reference to the nature of the constitutional disease, I believe it to be a mixture of the gouty and scrofulous diathesis; several well marked cases of the former ailment having lately occurred as local complications of dysentery and cutaneous disease; and other cases have also occurred in men who had formerly suffered either from the above diseases or from ophthalmia, verifying an opinion which I have held for some time, that no one tissue of the body is capable for any length of time of carrying on the elimination of a blood disease: thus for a series of months, the skin, the mucous membrane of the eyes and of the bowels, have been the organs of elimination, indicated by their constant morbid condition; nature gets tired of them, and transfers her morbid particles to another class of tissues, the membrane and textures surrounding the joints. This I believe to be the true explanation of that peculiar tendency of certain diseases suddenly to transfer themselves from one part to another, to which the term metastasis has been applied in medical literature.

This peculiarity, to prove the existence of which amongst the diseases of the prisoners has been the object of my last and present report, has been long known in medica-science, without its true nature, in my humble opinion, being understood, or even investigated, for in the latest works on medicine little or no effort is made to explain it. The occurrence of metastasis has been long noticed in local inflammations, and particularly in gout and rheumatism; that speculation on this important question is justifiable, and that it is a scientific question open to every practical physician, will be apparent from the following extracts from one of the latest books on the theory and practice of medicine, that of Dr. Gregory, a work of so high a reputation as to be one ordered by regulations of the Army Medical Department to be in the possession of every medical officer:—

"Metastasis, or the translation of inflammation from one organ or structure to another, is a very curious but obscure point in pathology. It is exemplified in the ophthalmia which succeeds gonorrhea; in the inflammation of the cuticle which succeeds the mumps; in the inflammation of the pericardium which succeeds rheumatism; in the inflammation of the brain which succeeds erysipelas of the face. In what manner metastasis is effected has never yet been developed. It appears, however, that something may be referred to sympathy from similarity of structure, for in most cases of metastasis it will be found that the structures primarily and secondarily affected have an affinity to each other."

Though I have confined my observations hitherto to ophthalmia, cutaneous diseases, and dysentery, the connexion of many other diseases has been distinctly traced by me to the

same constitutional cause, especially neuralgic affections, which, on referring to the statistical table, you will perceive were the next most prevalent class of ailments; embracing, with the exception of vertigo, insanity, and epilisepsy, all the diseases under the head of "nervous system." If the limits of this report admitted of it, I would submit to you records of a number of cases of severe neuralgia, which disappeared immediately on the appearance of cutaneous eruptions over the seat of the pain, and in several cases the ordinary local means used to relieve pain, from irritating the surface, attracted the morbid blood from the deeper textures to the skin, where it presented itself in the form of one or other kind of skin disease; thus you will perceive my views resolve themselves into one or more prevailing constitutional causes, and the metastatic occurrence of local disease.

In the whole wide range of medical science there is no fact which has been longer known, or more frequently observed, than the occurrence of metastasis, and yet there has been no question even at the present day which has been so singularly neglected as this most important one, the correct appreciation of which is calculated to exercise a more important influence over the theory of disease than any other hitherto observed fact. The obscurity in which metastasis has been so long involved I believe is to be attributed to one cause alone, the erroneous views held on the subject of inflammation, inflammatory action being considered a diseased condition of the minute blood vessels of a part, in place of a morbid condition of the blood either circulating or attempting to circulate through the minute blood vessels of a part. This peculiar action, or metastasis, which I have described as characterizing the diseases of the prisoners, has been recognized by the profession to a certain extent in gout and rheumatism, but the recognition of the more extended operation of the contaminated blood constituting these diseases has been unfortunately limited by the present doctrines of inflammation.

The following extracts will convey to you some idea of the perplexed state of medical science, and how the most eminent physicians differ on the most essential points connected with the natural history of an important disease.

Dr. Gregory, in his work already quoted, treating of the cause of gout, says,—"This branch of the subject has been studiously investigated by almost every writer "on the disease. The favourite doctrine has been that gout depends upon certain "morbific matter always present in the body, which, thrown out upon the joints or "other parts, produce the several phenomena of the disease. By some even of the latest "writers on gout this theory has been supported, and the morbific matter has been pro-"nounced to be an acid. Many ingenious arguments have been brought forward in its "favour, but the doctrines of humoral pathology have fallen into oblivion, and in this "instance at least scarcely merit revival. With respect to the analogy between gout "and gravel, sufficient evidence has been adduced to render it probable that a patho-"logical condition really subsists between these diseases, but its precise nature is not "ascertained."

I cannot pass over this extract without remarking on the palpable fallacy contained in the concluding part. Dr. Gregory, after repudiating the idea of any connexion existing between gout and a morbid condition of the blood, admits that a connexion exists between gravel and gout. Now, what is gravel but a morbid condition of the urine? and what is the urine but a direct secretion from the blood? Consequently, the only connexion which possibly can exist between gout and gravel is the retention in the blood, and subsequent deposit in some of the joints or other parts of the body, of that earthy matter which, when eliminated in solution from the blood by the kidneys, ultimately is recognized by us as an abnormal constituent of the urine.

In the last edition (1848) of the admirable lectures of Dr. Watson, the late distinguished professor of practical medicine in King's College, London, his opinion of the origin of gout is thus expressed:—

"I am satisfied that the ancient doctrine which asserts the humoral origin of the disease is the true one. 'Morbific matter' (it may as well be called a poison) is generated or determined, under certain circumstances, within the body, and silently collects in the blood, until, after obscure threats perhaps, and prelusive mutterings, it explodes in the foot; and then the bodily economy, like the atmosphere after a thunder-storm, is, for a while, unusually pure and tranquil. To some such conclusion as this the result of all modern research seems clearly and unfailingly to tend.

"Dr. Holland, for example, in his thoughtful and thought-exciting volumes, recently published, expresses his belief 'in a materies morbi, which, whatever its nature, is capable 'of accumulation in the system, of change of place within the body, and of removal 'from it.' In this and in several other propositions relative to gout, enumerated in distinct terms by this learned writer, I fully concur. Some speculations still more lately put forth by Dr. William Budd, in a communication to the Medical and Chirurgical Society, throw a strong light upon this perplexed subject, and bring the phenomena, not only of gout, but also of many other important complaints, within the operation of one general, comprehensive, and intelligible law. I shall take leave to refer, in a very cursory manner, to some of Dr. Budd's positions.

"I need not remind you of the various ways in which extraneous matters find entrance into the blood—poisons under their proper shape and name. Medicines which, misapplied, become poisons; our natural food and drink, which the folly of man converts into poison,

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the products or dregs of the secondary assimilative process; these are common sources of impurities, more or less hurtful, which mix and circulate with the vital fluid. Some of these extraneous matters escape harmlessly by one or more of the waste-pipes and emunctories of the body; some are entangled in its solids, but not indiscriminately, for different substances have their special or favourite resting places. All this is well known to persons conversant with toxicological research.

"Now this doctrine of the elective affinity between certain tissues or parts of the body, and certain morbific principles conveyed to them by the blood, is applied by Dr. Budd to elucidate the very curious fact of the symmetrical local manifestations of many disorders, which disorders are themselves so far general that they derive their origin from the circulating fluids. This symmetry he finds the most exact in chronic constitutional complaints, wherein the local morbid changes are effected in a manner which approximates closely to the process of healthy nutrition. He shows good reason for believing (what, if the whole theory be true, we should expect) that the same symmetrical phenomena are modified by the amount of the poison collected in the system. If there be a certain quantity only, it may settle in some favourite or congenial spot on one side of the body. If there be more than enough to saturate that part, it goes next to the corresponding spot upon the opposite side, or perhaps to an analogous part of the other limb of the same side. If there be more still of the poisonous material, it flies to, and occupies, other parts also. He further shows that the doctrine of affinity is more exclusive and the bond of union stronger in respect to some morbid principles than to others, and in proportion as the affinity is weak, so are the local manifestations of the disease apt to shift, by metastasis, from place to place. When the matter which has thus entered or combined with a certain tissue or organ is anyhow loosened and released from that union, or repelled from the part, it is again set afloat in the blood, to break out elsewhere, to tease various organs perhaps, or to derange the whole economy. The alternation so often to be noticed between certain cutaneous eruptions and internal disorders of function, is a striking and familiar example of this. The eruptions afforded presumptive evidence of the detention of some peculiar morbid principle in that part, and the internal affection which succeeds the disappearance of the eruption denotes that the morbid principle has re-entered the blood. Some of these peccant or poisonous matters fix permanently in the affected spot or spots, and some of them may even be recovered in substance from the dead tissue by chemical means; the poison of lead, for example, from the symmetrically palsied muscles; others appear to be expended gradually in the part, and so eliminated from the system. Dr. Budd observes, that the regular arrangement of these local tokens, whether they be outward or internal, is disturbed by the presence of fever. Probably the febrile tumult may itself be owing to the quantity of noxious matter in circulation within the body. He states also that, cæteris paribus, this morbific matter is most apt to pounce, in the first instance, upon parts which have been previously hurt, or which are mechanically irritated at the time; for which reason a part that has once been affected by it is more likely than other parts to suffer again.

"Now, see how thoroughly the ascertained phenomena of gout accord with this theory. Certain habits of life produce fulness and richness and impurity of blood; the same habits which breed the lithic acid diathesis. We may even conjecture this acid, or some of its components, to be the actual *materies morbi.** Lithrates are poured forth with the urine, and sometimes deposited in vast masses around and in the joints."

It affords me much satisfaction to be able to place the preceding extract before you, containing, as it does, the views of Dr. Budd, the present distinguished professor of medicine in King's College, London, as it must strike you how fully they tend to bear out the views I have been advocating regarding the diseases of the prisoners. My observations were conducted, and my previous report—as well as the greater portion of the present one—written in ignorance of Dr. Budd's views, the work in which they are contained having only lately reached me; and such a fact tends greatly to increase the value of the observations in question, as they were pursued solely by the bedside, uninfluenced by any preconceived ideas deduced from the writings of others. How could I, without being guilty of the most culpable neglect, but reflect and endeavour to satisfy myself why it was that ophthalmia, which had resisted every species of treatment, would disappear as if by magic on the appearance of dysentery or cutaneous disease, and vice versâ. I was naturally led to the conclusion that the *materies morbi* must exist in the blood, and consequently be capable of removal from one part of the body to another; also that a certain mechanical law seemed to influence the metastasis, to the effect that some relation must exist between the molecular elements of the morbid matter and the calibre of the minute blood vessels of the tissues entering into the composition of skin and mucous membrane.

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* "This conjecture, or rather this inference from the fact stated in the next sentence has been verified within the present year (1848) by Dr. Ganod, who succeeds with ease in demonstrating the presence of urate of soda in the blood of gouty patients. The same able chemist detects also urate of soda and urine in small quantities in healthy blood. It seems probable that various blood diseases result from different kinds or degrees of imperfection in the eliminatory powers of the kidney. Thus, perhaps, in gout, the uric acid is but scantily excreted, the main being separated in its natural proportions; while in some cases of "Bright's disease," the reverse of this may occur, the urine escaping with difficulty and the uric acid coming away with the urine in its ordinary and proper quantity."

Look at the conflicting opinions expressed by Doctors Gregory and Watson regarding the origin of gout, and any reflecting person, be he professional or not, will naturally ask himself why such ambiguity should exist. To me the solution of the question seems simple in the extreme; to be owing, as I stated before, to the erroneous theories held on the general question of inflammation. Upwards of a year ago, in concluding a series of papers I wrote, illustrative of the endemic fever which prevails in this part of Australia, I expressed the following opinion, which twelve months' additional experience has more fully wedded me to, to the effect—"That until the blood is admitted to be the great emporium of disease, and medical men, chemists, and microscopists, searching for the ailments of their patients in morbid conditions of their fluids, and not in their pulses and tongues, practical medicine can hardly claim a higher position as a science, or expect a greater share of the public confidence than the doctrines of Hahnemann or Presnitz. My humble opinion is, that most of the diseases we are called upon to treat, certainly the so called inflammatory ones (with the exception of those owing their origin to mechanical causes), are secondary affections arising from a pre-existing diseased condition of the blood, which is not recognized until nature relieves herself by depositing the morbid matter in a viscus, on the surface of a membrane, or in some other part of the body from certain causes favouring deposition, frequently from its retention on the vital fluid becoming a mechanical impossibility, as we see in cancer, tubercle, and other diseases.

"I cannot help thinking that our long and blind adherence to the term inflammation has had a most injurious influence on the progress of practical medicine, acting like the false lights of the Cornish wreckers to the storm-tossed ship,—drawing us from the true course of investigation, and leading us to concentrate the resources of our art in curing the effect, while the cause remained in full operation, unrecognized, and consequently neglected.

"Our present views of inflammation have principally been deduced from the microscopical observations made within the last few years on the circulation in the web of the frog's foot, and it seems to me natural to suppose that there must be a great difference between the condition of the capillaries and surrounding textures in vascular excitement, where the blood is healthy and where it is the reverse I may here express the doubts which I have of the correctness of the generally received opinion, that perverted action in the blood vessels possess the power of affecting the general composition of the blood, though it may lead to certain local alterations, such as the presence of fibrin, but I believe merely from the facilities afforded for the deposition of what is normal to the blood, and not from any power the vessels possess of increasing the quantity. In diseases characterized by an excess of fibrin, that excess in all probability preceded the local disease, and I have no hesitation in stating it as my firm opinion, that those inflammations accompanied by fibrinous effusions, such as croups, peritonitis, pleurisy, &c., are as purely blood diseases as cancer or tubercle; consisting essentially in nature selecting their respective surfaces for the elimination of that fibrin with which the blood is surcharged."

What then is true inflammation but the arrest in the capillary vessels of matter foreign to the normal constitution of the blood? What then is metastasis but the transference of this morbid matter from one set of minute blood vessels to another, influenced possibly by such causes as assigned by Doctor Budd.

The celebrated Boerhaave nearly two hundred years ago seemed to have an indistinct glimpse through the Cimmerian darkness in which this subject has been always involved, for he considered that almost all diseases might be resolved into the introduction of any particles of the blood into vessels to which they did not properly belong; erroneously supposing that the blood globules varied in size according to a regular descending scale, and that each set of globules had a corresponding set of blood vessel, possessing a diameter just large enough to admit the globules that belong to it and consequently incapable, without force, of allowing an entrance of those of larger magnitude. To the supposed presence of blood globules in vessels to which they did not belong, he applied the term *enorloic*, a theory in a few years which became so popular as to completely upset that of the Greek school, which had enjoyed an uninterrupted reign of between two and three thousand years.

I have stated that I believe the constitutional disease which prevails amongst the prisoners to be a mixture of the scrofulous and gouty habits of body, and my reasons for forming this conclusion are as follow:—

1st. The prisoners are exposed constantly to the predisposing causes of both diseases, excessive diet being as frequent a cause of scrofula as an imperfect supply of food is.

Sir James Clark, in his celebrated work on scrofula, states:—"Proper food when taken "in excess, or when too exciting in qualiy, may also induce tuberculous cachexia in youth, a "circumstance which is not sufficiently attended to, I may say, not generally understood, "even by medical men; nevertheless, I hold it to be a frequent cause of scrofula. Imper-"fect digestion and excitement of the digestive organs in the one case, and inadequate "supply of nourishment in the other, lead ultimately to a similar state of disease; the "form and general character which it assumes may differ, but in both cases the result may "be the same. The adaptation of the food, in quality and quantity, to the age of the "individual, as well as to the power of the digestive organs, is too little considered, and "the evil consequences of this neglect are often evinced in the children of the wealthy "classes, who are frequently allowed an unrestricted use of the most exciting kinds of "animal food, than which there cannot be a greater error."

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Dr. Andrew Combe, in his treatise on the Physiology of Digestion, fully corroborates the opinion of Sir James Clark, as is shown in the following extract:—"Among the wealthier "classes imperfect nutrition most generally arises from excess in quantity or a too stimu- "lating quality of food; but among the lower classes, deficiency in quantity or quality, "added to scantiness of clothing, want of cleanliness, and imperfect ventilation. So far "back as the year 1810 Mr. Richard Carmichael, a distinguished surgeon of Dublin, "pointed out, in a small essay which he then published, the powerful effects of these com- "bined causes in producing scrofulous diseases. He was followed at a later period by Sir "James Clark, who, in treating of the prevention of scrofula and consumption in early "life, lays great stress on the proper regulation of diet, and shows that even in families "free from all hereditary taint a morbid condition of the system, extremely favourable to "the production of both diseases, is speedily brought about by continued mismanagement "of diet; and both the public and the profession are deeply indebted to him for drawing "attention to the extensive influence of dyspeptic ailments in paving the way for the "future inroads of a deadly disease. True, it has long been the fashion to ascribe many "bodily and natural disorders to bile, indigestion, or the state of the bowels, but the "rationale of the result has seldom been perceived or turned to any good account in "improving preventive or remedial treatment." Sir James Clark's treatise, however, "presents a remarkable exception, and may be referred to as a most instructive specimen "of cautious and discriminatory medical inquiry."

The prisoners may be said to represent, in some instances, the over fed children of the wealthier classes, in others, the wealthier classes themselves, according as the scrofulous or gouty habits of body prevail. What are the proofs that their diet is both over abundant and prejudicial to health? They are the following:—

a. That it is essential to the due preservation of health that diet should be in proportion to latitude, in other words, to temperature, the result of all modern research tends to prove; but science has only elaborated the details, the fact was sufficiently apparent without the aid of chemistry. From a mere glance at the food used by the natives of tropical climates, compared with that required in cold ones, Liebeg, the latest authority on the subject, the greatest chemist of modern times, says,—"No isolated fact apparently "opposed to this statement can affect the truth of this natural law without temporary or "permanent injury to health; the Neapolitan cannot take more carbon and hydrogen in "the shape of food than he expires as carbonic acid and water; and the Esquimaux "cannot expire more carbon and hydrogen than he takes into the system as food, unless "in a state of disease or of starvation."

Thus, while it is necessary that the Laplandler should eat fat blubber and such other highly carbonized food, the Italian lives principally on maccaroni, which nourishes without heating him. According to Liebeg, the food prepared by nature for the inhabitants of southern climes does not contain more then 12 per cent. of carbon, while the blubber and train oil which feed the inhabitants of polar regions contain 66 to 80 per cent. of that element.

b. The diet furnished to both prisoners and ticket-of-leave men is founded on no scientific basis, the influence of climate being entirely overlooked in its construction. The following is the scale now in use for probation prisoners:—

Breakfast.	Dinner.	Supper.
12 oz. bread 1 pint tea, containing $\frac{3}{4}$ oz. sugar $\frac{1}{6}$ of tea. Total weight 2 lbs.	16 oz. of potatoes 16 oz. of meat 6 oz. bread $\frac{1}{2}$ oz. of salt $\frac{1}{4}$ oz. of pepper 1 oz. of rice, barley, or oatmeal, for thickening soup, of which 1 pint. Total weight 3 lbs. 10 oz.	8 oz. bread 1 pint of tea, as for breakfast. Total weight 1 lb. 12 oz.

Total weight of diet seven pounds six ounces, including fifty-nine ounces of solid aliment. In addition to the above diet, a quarter ounce of tobacco is allowed each man, and between fifty and sixty men, employed as sawyers and blacksmiths, are allowed an extra ration of four ounces bread and four ounces of meat, bringing their diet up to seven pounds fourteen ounces, of which sixty-seven is solid aliment. A reduction of 2 oz. meat takes place during summer.

The diet for the hard labour or re-convicted prisoners is the same as the above, with the exception that they are allowed only 12 oz. meat during winter, and 10 oz. during summer; 6 oz. less bread is also allowed, and no tobacco, which reduces the weight of their diet 10 oz.

Thus, the diet in use here is very nearly equal to the largest scale allowed in any of the English prisons, and considerably in excess of that allowed in many of them, and I have

cited the authority of Liebig regarding the impossibility of the same diet being consumed in Naples and in Lapland without injury to the health; and the difference in latitude between those places is but from one hundred and eighty miles greater than the difference between the latitude of London and Swan River. The mean annual temperature of England is 50°, the mean summer temperature being about 63°, and the mean winter about 37°, making a difference of twenty-six degrees; while the mean annual temperature of Fremantle is 66°, the mean summer temperature being 73°, and the mean winter temperature 60°, making a difference only of 13 degrees. The question does not admit of argument; the diet is enormous, altogether out of proportion with what is requisite, and consequently highly prejudicial to health, and entailing a most grave responsibility on those advocating its continuance.

With respect to what quantity of food is daily required in England, Dr. Carpenter, the latest authority on the subject, thus expresses himself in his Treatise on Physiology:—

"The average quantity required by adult men leading an active life, and exposed to the ordinary vicissitudes of temperature in our own climate, seems to be from 30 to 36 ounces of *dry* aliment; but a healthy condition may be kept up on scarcely more than half this allowance, if the muscular powers are but little exerted, and the surrounding temperature be high, provided that it consists of substances of a nutritious kind, united in proper proportions."

Having thus adduced more than sufficient evidence to prove how much in excess the diet is even of what is necessary in England, it only remains for me to lay before you the opinion of the profession regarding the injurious effects of an over supply of food.

Dr. Combe, in his work on the Physiology of Digestion, says,—

"But while food is thus proved to be the only natural stimulus to the secretion of the gastric juice, it would be altogether erroneous to imagine that there is no limit to its production, and that however much we may eat, the secretion will always be sufficient for digestion. On the contrary, Dr. Beaumont has demonstrated not only that the gastric juice is secreted in limited quantity, but that a given amount of it is capable of dissolving only a limited quantity of food; and that, consequently, when we indulge to excess, a portion of the food must remain undigested, and subject to the laws of chemical decomposition from warmth and moisture; thus giving rise to the disengagement of air in the stomach, and the other well known consequences of indigestion. This important fact was established by many conclusive experiments, but it will be sufficient to adduce one only."

Dr. Combe then alludes to an experiment of Dr. Beaumont's upon St. Martin, a soldier of the United States army, who had a permanent opening into his stomach from ulceration following a musket shot. Upon this man Dr. Beaumont prosecuted a series of experiments on digestion extending over five years. Alluding to the experiment in question, Dr. Combe continues:—

"In every instance in which digestion had ceased, from the gastric juice being insufficient for the quantity of food to be acted upon, the solvent action was immediately resumed on the addition of a fresh supply of the gastric juice, although all other circumstances remained the same. Nothing can show more clearly than this that indigestion must ensue when the quantity eaten exceeds in proportion that of the gastric juice which the stomach is capable of secreting at the time; and nothing can offer a more instructive warning to those who desire to escape the manifold miseries of dyspepsia."

Dr. Combe mentions another most important fact, deduced from the observations of Dr. Beaumont, that in the state of health,—

"The quantity of gastric juice which the stomach is capable of secreting always bears a direct relation to the amount of sustenance required by the system at the time."

Dr. Williams, in his work on the Principles of Medicine, talking of the injurious effects of too much food, says,—

"If the digestive organs fail in appropriating the nourishment, they become distended, irritated, and otherwise disordered by what they cannot digest. If they are strong and digest in excess, they send too much chyle into the blood, and this may cause plethora, apoplexy, gout, gravel, or some congestive or inflammatory disorder to which the individual is predisposed."

On the same subject Dr. Carpenter observes,—

"The continued over supply of food has several injurious effects: it disorders the digestive processes, by stimulating them to undue activity, and lays the foundation for a complete derangement of them; it gives a predisposition to the various diseases of repletion, as already noticed, and it throws on the organs of excretion much more than their proper amount of labour, besides tending to produce a depraved condition of the matters to be drawn off by them, which renders the proper act of excretion still more difficult. When this is the case various disorders arise, caused by the retention, within the circulating current, of substances which are very noxious to the general system, and which become most fertile sources of disease. What are commonly regarded as diseases of the biliary and urinary organs, are really, in a large proportion of cases, nothing else than disordered actions of these organs, occasioned by the irregular mode in which the products of decomposition are

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formed within the blood, and dependent upon some error in diet, either as regards quantity or quality. Thus the 'lithic acid diathesis,' in which there is an undue proportion of that substance in the urine, and of which gout is a particular manifestation, is due not to the disorders of the kidney, but to an undue production of lithic acid in the blood. So long as the excreting action of the kidney is sufficient to prevent its accumulation in the blood, so long the general health is but little affected; but whenever that action receives a check, various constitutional symptoms indicate that the system is disturbed by the presence of this product of decomposition; and though our remedies may be rightly directed in part to facilitating its escape through the kidneys, yet the radical cure is to be sought only in the regulation of the diet, and the prevention of the first production of the substance in question."

The result of my experience, since I became connected with the convict service, has been such as to lead me to believe that scrofula, or a condition corresponding to scrofula, is produced by too much as well as by too little food.

In the one case, the disease depending on a want of proportion between nutrition and the destructive metamorphosis of tissues, accompanied by sluggish organs of excretion, or the formation of products that the natural emunctories are unable to eliminate; in other words, the elements of the body wasting quicker than they can be repaired. In the other case, materials being supplied for the repair of the elements of the body quicker and in greater abundance than they are wanted, leading to impurity of the blood, aggravated probably by defective organs of excretion from mechanical obstacles to elimination, and the consequent production in both cases of local disease.

Of the existence of the scrofulous habit of body there cannot be a doubt, the ophthalmia which prevails amongst both prisoners and ticket-of-leave men is a perfect illustration of that form known as scrofulous ophthalmia, and which is a very common disorder of childhood. Dr. Watson, in his account of it, remarks,—" With this strumous affection of the " eye there are usually present other evidences also of scrofulous disease, swelling and " redness of the alaenasi and upper lip, enlargement of the absorbent glands about the neck, " eruptions upon the head, sore ears, a large and hard belly, disordered bowels, offensive " breath, grinding of the teeth, and general bebility, and the ophthalmia will alternate " sometimes in severity with some of these other local scrofulous complaints, getting " better as they get worse, and vice versâ."

A further proof of the existence of the scrofulous habit of body is afforded by the microscopic observations which I alluded to in my last report, and which I have repeatedly verified since, viz., the detection of a low form of vegetation in certain varieties of skin disease. With respect to such parasitic growths, Professor Bennett, of the University of Edinburgh, one of the most eminent microscopists of the age, remarks,—" In man all the " vegetations yet discovered have been found connected with matter, effused into textures " in scrofulous constitutions. The fungi found by myself, for instance, growing in the " tubercular cavities of lungs, and those discovered by Schonbein, and described by Gruby, " constituting scrofulous eruptions on the skin, grew on a purely granular amorphous " mass, which presented no evidence of organization. Chemical researches have shown " that this form of tubercular matter is principally albumen, which explains the large " proportion of this animal principle present in the porrigo or tinea favosea (scald head), " according to the analysis given by Alibert. The fungi found by M. Eudes Desbou- " champs growing on the membranes lining the air passages in an eider duck sprung from " an albuminous layer forming the soil on which they grew. The mould or mucor dis- " covered by Owen growing on the lungs of the flamingo, occupied the same situation as " those described by myself on the lungs of men, viz., the lining membranes of tubercular " cavities. The fungi found by MM. Rousseau and Serrurier in the parroquet grew on a " species of false membrane. What the nature of this membrane was is not stated; but " it is distinctly mentioned that the animal died of laryngeal and pulmonary phthisis."

With respect to the gouty habit of body which I believe prevails amongst the prisoners, my attention was first directed to it from observing on microscopic examination of portions of cutaneous eruptions, crystals of what appeared to be uric acid; this led me to examine their urine with more care than my time had hitherto permitted to do, and in a great number of instances I found the most marked indications of the gouty diathesis; I then argued that gout being a blood disease, it need not necessarily display itself in the great toe, and that a considerable portion of the diseases, especially certain forms of local inflammation, might possibly be gout; however, I was relieved from any doubt by the occurence much about the same time of three well marked cases occurring as local complications of the ordinary forms of dysentery and ophthalmia. This again leads me to suppose that a connexion exists between gout and scrofula not sufficiently understood; either that a direct pathological relation exists, or that the one disease is frequently mistaken for the other. The co-existence of these two forms of disease amongst the prisoners is a question of very great pathological interest. The indications of the scrofulous habit of body are as conclusive as could be wished, those of the gouty habit of body are nearly equally so; as an illustration, in my last report I mentioned the exceedingly beneficial influence which a liberal allowance of lime juice exercised over all the diseases of the prisoners, and especially over ophthalmia. Now, lime juice has been within the last few years introduced with great success in the treatment of gout and rheumatism, from its anti-alkaline properties; this success of lime juice led me to attach an erroneous importance to the influence which the want of a regular supply of fresh vegetables was exercising over the healths of the

prisoners. During the last half year there has been an abundant supply of potatoes, without the least sanitary improvement accruing, and consequently I can only account for the beneficial effect of the lime juice by supposing it to have been antagonistic to the lithic acid in gouty diathesis.

An interesting question presents itself, what is scrofula? Is it one uniform diseased condition of the blood, or may a similar condition not result from a variety of blood impurities? I cannot help thinking that an analogy exists between the scrofulous and gouty constitutions, which has as yet escaped the notice of the profession, and that the operation of the poisons of gout and rheumatism are no more limited to the fibrous tissues than the operation of the scrofulous poison is limited to the lungs and glandular textures, and that an erroneous importance has been attached to the special site of local disease as an indication of the peculiar constitutional state on which it depends. Thus it is invariably supposed that one of the most favourable terminations of consumption is by the drying up of the tubercular deposition in the lung, and the formation of calcareous concretions. Dr. Watson, describing the possibility of pulmonary consumption terminating favourably where the tubercular deposition is limited in extent, remarks,—"But the disease when so "limited may cease in another way; the more watery parts of the morbid secretion may "be absorbed, and the earthy salts it contains may concrete, and the whole be converted "into a shrivelled, hard, chalky mass, which sometimes is coughed up, sometimes, in "favourable cases, remains for years in the lungs an inert and almost harmless body. "Let me state, while I think of it, that the expectoration of these chalk-like concretions, "denoting, as it usually does, the existence of pulmonary consumption, marks at the same "time the chronic character of the case. I am acquainted with a gentleman who, though "delicate, enjoys a very fair share of health, and who has for years been coughing up at "intervals little branching fragments like bits of white coral, consisting principally of "carbonate and phosphate of lime, and evidently moulded in the smaller bronchial "tubes."

Now I maintain that a question arises whether what is called tubercular matter is capable of degenerating into calcareous concretions, if it is, then it becomes exceedingly difficult to draw a line of demarcation between gout and scrofula; for if such a condition as just described by Dr. Watson was found in any of the joints, it would be unquestionably called gout. Hear what Dr. Watson says when describing the results of the latter disease:—"In many gouty persons, but not in all, after the disease has frequently recurred "what are called chalk stones form; concretions that look exactly like chalk collect around "and outside the joint, filling up the arclolar tissue, and lying in general immediately "beneath the skin. The material of these curious concretions is deposited at first in a "half fluid state, and resembles soft mortar; but the watery ingredients being afterwards "absorbed, it becomes dry and hard." It must strike you how closely the descriptions just quoted of the two diseases resemble each other, differing only that that of gout is more minute than the other, from the fact that the description of the different stages of the disease were deduced from ocular demonstration, whereas, in the other, the supposed conditions preceding the ocular detection of calcareous concretions were merely deduced from preconceived theories. The nature of this report prevents me entering into detail on this most interesting, most important point, and I shall only remark that the same blood which deposited the calcareous matter for instance in the joint of the great toe, a few seconds before was circulating through the lungs; and no sound reason can be advanced why the arrest of its morbid particles should not occur on the minute blood vessels of the lungs, as well as in the minute blood vessels of the joints.

It will be advanced no doubt against my views of the existence of the gouty diathesis amongst the prisoners, that gout is essentially a disease of the higher classes, transmitted by hereditary descent; but such a supposition is now well known to be erroneous. On this subject Dr. Watson says, "It may, I believe, be generated by certain habits of life; "and, on the other hand, in spite of an inherited predisposition, the disease may be staved "off and averted. Let the son of a rich and gouty nobleman change places with son of "a farm servant, and earn his temperate meal by the daily sweat of his brow, and the "chances of his being visited by the gout will be very small."

Colchicum, our sheet anchor in the treatment of gout and rheumatism, has been used by me with great success in several chronic cases, which, as far as external appearances enabled me to judge, were the worst forms of scrofulous ophthalmia.

I have only further to remark, with respect to that analogy which I believe exists between scrofula and gout, that the researches of modern science have developed no mode of treatment which is universally allowed to exercise such a beneficial influence over scrofula as cod liver oil; and it is a curious coincident, that this remedy has within the last few years been used with great success in the treatment of chronic rheumatism, a disease closely allied to gout, most probably the same disease, only seated in a set of textures not yet recognized as a habitat of the gouty poison.

The nature of this report prevents me entering more into detail on this most interesting, most important point.

The comparison which I drew in my last report, with regard to the re-convicted prisoners on the reduced diet enjoying better health than the probation prisoners, will not hold good during the past six months, because the number of re-convicted prisoners is now much larger than formerly, the men being principally re-convicted from the hiring depôts, without

even having been in private employment, and consequently they return to the chief establishment labouring under the same constitutional predisposition to disease as when they proceeded on ticket of leave. The majority of them having thus never been on any other than the full convict ration, the difference between it and their diet as re-convicted prisoners is not sufficient to allow their shattered organs of digestion an opportunity of recovering their natural tone. Certainly, when the hard labour party was principally composed of men who had been re-convicted a long time, or who had been re-convicted from private employment, there was a marked difference between their general health and that of the probation prisoners.

What are the means of obviating this peculiar tendency to disease? Reduction of diet. To what extent ought it to be reduced? Let that be fixed by a medical board on scientific principles; any other mode of investigation is fallacious; and I have only to repeat what I stated in my last report, that for men morally constituted as the mass of prisoners are, diets ought to be constructed, not on principles deduced from what they can eat, nor from the individual opinions of prison authorities on the moral effects of diet, but from physiological data, having essentially in view the preservation of their health and the maintenance of their efficiency for the different purposes of utility to which their labour is applied by the state.

I believe the diet of the re-convicted prisoners not to be so constituted as to admit of its adoption for the prison and ticket-of-leave depôts generally, without some modification. Its total bulk is too great, and the daily allowance of soup tends materially to increase the predisposition to disorders of the digestive organs. With regard to soup, Dr. Combe states, "Soups and liquid food are objectionable, both because they are ill-adapted for being properly acted upon by the gastric juice and by the muscular fibres of the stomach, and because they afford insufficient nourishment. From the former cause they frequently impair the digestive functions; and from the latter they induce diseases of debility which it is difficult to subdue. Daily experience furnishes examples of stomachic disorder from eating soups, especially as preliminary to an otherwise substantial dinner; and the fatal epidemic which prevailed a few years ago in the Milbank Penitentiary was distinctly ascertained to have been caused partly by an insufficient and too liquid diet. It is common indeed to see heartburn and indigestion of recent origin cured simply by giving up soups and vegetables, and diminishing the quantity of liquid taken at breakfast and tea." I would, therefore, most strongly recommend the abolition of soup as a regular daily allowance; when issued, only half the allowance of vegetables ought to be given. It is very desirable that the diet should be more varied than it is at present; if practicable, the meat ought to be baked two or three times weekly. Soup, in my opinion, ought not to be issued more than twice a week.

The following scale, I believe, to be more than an ample daily allowance:—

Breakfast.	Dinner.	Supper.
10 oz. bread	12 oz. meat	8 oz. bread.
1 pint tea	1 lb. potatoes	1 pint tea.

The solid ingredients of the above scale, after allowing a loss of six ounces for cooking, exceeds by nearly half a pound that estimated by Dr. Carpenter as sufficient for a labouring man in England.

Fish given occasionally, say twice weekly, will form a wholesome, nutritious, and most economical substitute for meat, especially during the summer months. The waters in the immediate vicinity of Fremantle, and most of the hiring depôts, abound with excellent fish, and I can see no reason why prisoners should not be employed in catching them, and thus to a certain extent diminish the cost of their support, more especially as there is a large gang of men who, from long-continued indigestion, have become quite unfit for any labour entailing much physical exertion, and to find employment for whom is a constant source of difficulty and annoyance to the superintendent.

The same class of men abound about the depôts, and at those where no scope is afforded for piscatorial pursuits. They might also be employed contributing more materially to their support than they are in the habit of doing, judging from what I have observed at the two depôts I have charge of. The employment which I propose for them is manufacturing arrowroot from the Zamia plant; the process is simple in the extreme, and the farina procured equal to the best kinds of Indian arrowroot. At Freshwater Bay depôt the men amuse themselves in the evening making it, fourteen pounds of the central portion of the root making a pound and a quarter of arrowroot in the course of between three and four hours.

Invalids and others might be employed on task work at a manufacture of this kind, which forms an important item in hospital expenditure, and which might be used as an occasional general article of diet. Unbounded resources exist, and the encouragement of its manufacture at the depôts might develop amongst the prisoners a mode of earning their own livelihood, unconnected with depôts, and lead to the establishment of a new article of commerce and possibly of export,—results most desirable in a colony like Western Australia.

In both the military and convict hospitals I never, on any account, give more than "half diet," which consists of half a pound of meat, one pound potatoes ($\frac{1}{2}$ lb. only in the Convict Hospital), two pints of tea, and one pound bread (only 12 oz. in the Military Hospital), and I have carefully interrogated the different individuals who have been upon it, and, with very few exceptions, they have expressed themselves perfectly satisfied with

it. I have pursued this investigation with great care in the Military Hospital, as the Sappers and Miners are employed in the same manner as the prisoners, and with the exception that some of them have stated that they could eat a little more bread (their allowance being only 12 oz.), they have stated that their diet was ample, and much about the same that they were in the habit of consuming when actively employed.

What are the advantages to be gained by a reduction of diet?

1st. The re-establishment and maintenance of a general healthy condition amongst the prisoners and ticket-of-leave men.

2d. A pecuniary saving to the Crown of at least 10,000*l.* per annum, as shown by the following calculation. By the reductions I have proposed a saving of at least fourpence per diem will be effected in each ration, so long as the prices continue as they have been since the colony became a penal settlement, the present contract price of meat being sevenpence, flour threepence-halfpenny, and potatoes three halfpence per pound.

The average number of daily rations issued connected with the convict service is about one thousand; a reduction of fourpence a day from each gives an annual saving of 6,083*l.* In addition, the average daily number of non-effectives from sickness has been fifty, in the chief establishment, during the last twelve months, and we may allow the same number for the ten ticket-of-leave depôts, making a daily non-effective list of one hundred. Now, the value of a Crown prisoner's labour is estimated at three shillings per diem, making a daily loss of 15*l.*, or 5,485*l.* per annum, which I have no hesitation in stating is chiefly to be attributed to the present system of diet.

Another advantage which I feel confident will result from a reduction of diet, paradoxical as it may appear, is that the men will feel more satisfied, simply because their food will be better digested and their systems better nourished. The indigestion arising from an over supply of food gives rise to a constant gnawing sensation in the stomach and desire for more food, which is construed by the prisoners into a natural craving, and an indication that their diet is insufficient. On three different occasions within the last six months the whole of the re-convicted prisoners (nearly two hundred in number) have turned out in a body and remonstrated to the monthly board of visiting magistrates that their diet was insufficient, and the men invariably who have come forward as spokesmen, and who, no doubt, were mainly instrumental in stirring up the others to discontent, were notorious dyspeptics, more or less constantly requiring treatment for the different results of morbid digestion. This morbid craving for food exists to such an extent that I have been frequently requested by the prisoners to give them "something to destroy their appetites." With regard to this sensation, Dr. Combe says, "An irritable or even inflammatory state of the stomach is "induced, accompanied by a sensation of gnawing or craving, which is mistaken for a return "of appetite, and a fresh quantity of stimulating food is thrown into the organ, already "suffering from over excitement." The following case is one in point:—Register number, 3,035. John Hudson, ticket-of-leave man, was admitted on the 16th February from the North Fremantle depôt, labouring under an aggravated form of indigestion, characterized by great uneasiness in the stomach, cough, and painful deglutition. On examining his fauces and gullet, I found them in a state of chronic inflammation, with profuse purulent discharge. On visiting the infirmary at noon, on the day of his admission, I found his dinner had just arrived from the depôt, the solid materials of which, on being put into the scales, weighed thirty-eight ounces, of which nine ounces was solid meat, one ounce bone, eight ounces bread, and the remainder potatoes and cabbage; in addition to which there was the pint of soup thickened with oatmeal, weighing twenty ounces, making a total weight of fifty-eight ounces, every particle of which no doubt would have been tranferred to his stomach had I permitted it, as he remonstrated strongly against the low diet on which I considered it necessary to place him, the gnawing sensatiou of disease being interpreted by him into a natural appetite. By keeping him on the lowest possible diet, and pouring in the most powerful purgatives, eighteen pounds of decomposed fæces were brought away, and he was discharged, considerably relieved, but by no means cured, of this disordered digestion.

With respect to the seven fatal cases, four of them have been already alluded to, the remaining three were cases of disintegration of the lungs, presenting precisely the same characters, not only as regarded the invasion and subsequent course, but also as regarded the appearances found on post mortem examination, the lungs being literally one mass of purulent infiltration. These cases occurred in men who had suffered for a considerable time previously from morbid digestion, and the different diseases incidental to it; and I believe the pulmonary affection to have originated from the same constitutional cause as that I have demonstrated, the ophthalmia, dysentery, and cutaneous diseases to depend on.

My arguments with respect to the diseases of the prisoners and their dependence on excessive diet, or rather the morbid digestion resulting from it, I believe are applicable to a much wider field than the convict establishment of Western Australia. May the diets even of the English prisoners not considerably exceed the powers of healthy digestion? and may that not in a measure account for the general ill health, which must be the case, judging from the number of cases which swell up the casual sick list of the different prisons?

The diseases which prevail most amongst the prisoners in England are those of the mucous membranes, and the diseases which prevail the most amongst them in Western Australia are those of the mucous membranes also; but while those of the lungs and intes-

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tinal canal are the ones most affected in England from their being the most exposed to irritation, the former becoming predisposed to disease from the irritation of a low and variable temperature, the latter from the irritation of overloaded intestines. In Western Australia, from its equable climate, the pulmonary mucous membrane enjoys almost perfect immunity from irritation, whilst the cutaneous surface and mucous membrane of the eyes being exposed to the scorching influence of a powerful sun, also to heat, both radiated and reflected, and more or less to the irritation of sand, are the parts which after a time become most predisposed to disease, with the exception of the bowels, which are exposed to the same source of irritation as they are in the English prisons, only most probably of a more aggravated nature, from the accumulations being greater, as a natural result of a diminished systemic demand for food.

An attempt was lately made, and I believe has been revived, which silently acknowledges a belief in the correctness of the views I have been advocating with respect to reduction of diet, viz., using a decoction of bran in the baking of the bread, by which a considerable saving is said to be effected in flour; the bran water possessing the property of increasing its bulk and weight, according to the most successful experiments, to the extent of fifteen per cent. more than the ordinary method of baking, by which the prisoner in his twenty-six ounces of bread, instead of getting twenty ounces of flour, only gets about eighteen. This does not appear to me a legitimate mode of proceeding. If the daily allowance of bread admits of reduction, let it be reduced properly, but not by giving the men the same amount of bulk, with a considerable decrease of its nutritious matter, thus throwing an additional and most injurious load on the already seriously impaired organs of excretion.

While I object to the above system, I have strongly to recommend that, in the event of the bread being reduced to the allowance I have proposed, it should be baked in the form of brown bread, from its well known influence as a preventive of constipation.

Rice (except occasionally and in small quantities), I consider a bad substitute for potatoes, and recommend the common suet pudding in moderate quantity as an excellent and economical substitute for them, not only when they cannot be procured, but regularly two or three times weekly during the year.

I regret much that I have been unable to condense my views, and thus have avoided troubling you with this lengthy document; but I conceive the subjects principally treated in it to be of too great importance to be passed over in a cursory manner, more especially at the present time, when the unusally small number of probation prisoners now in the establishment and the change which is shortly to take place, from a temporary to a permanent and regularly constituted prison, affords advantages for carrying out a reduction of diet not likely again to occur. An argument which I have heard advanced in favour of the present large diet, namely, that it is disciplinary, is a very fallacious one; diet, though most valuable as a temporary punitive agent, never can by excess of quantity be made a permanent disciplinary one, without an injustice to the individual in a sanitary point of view. To ensure the due preservation of health, a certain average diet in a certain climate is necessary; for the reasons already shown a prolonged residence or any other diet differing very materially from that required by nature, must inevitably end in the development of disease more or less severe.

No doubt, it must strike you that the sentiments now expressed are somewhat at variance with those contained in my report for the year terminating 1853, but it must borne in mind that when that report was written my experience of the diseases of the prisoners had not extended over seven months, and also under very peculiar circumstances, for the greater body of men then under my charge had only been four months in the colony, having arived, as already alluded to, labouring under the depressing influence of diseases developed during their voyage from England, thus rendering them, at that particular time, by no means a fair criterion to form sanitary conclusions from. Those I have now arrived at are in no way hasty ones, but the result of careful and extended inquiry and constant daily application to the subject, the observance of one fact leading to that of another, prolonged observation, again leading to their connexion with other facts which had hitherto escaped notice.

From the increasing number of insane prisoners I cannot too strongly urge upon you the necessity for some immediate steps being taken to provide a lunatic asylum. There are at present six insane prisoners and ticket-of-leave men borne on the hospital diet sheet, five of them are confined in the solitary cells, and one, from his harmless disposition, is retained in the infirmary.

I have again to draw your attention to the necessity which exists for providing the men with proper hats or caps, those at present in use affording very insufficient protection from the powerful sun which prevails here during the greater part of the year.

In conclusion, I have most respectfully to request that the serious statements contained in this report may become the subject of inquiry, at the earliest possible period, before a medical or such other board as his Excellency the Governor may see fit to appoint, the questions involved being of too great importance to be left to the judgment, and that possibly not unbiased, of any one individual.

I have, &c.
(Signed) D. F. Rennie, M.D.,
Ordnance Medical Department Surgeon.

The Hon. the Comptroller General.

Enclosure 3 in No. 18.

WESTERN AUSTRALIA.

Encl. 3 in No. 18.

SIR, Western Australia, Perth, April 25, 1855.

I HAVE the honour to forward to you the Report of the Surgeon of the Convict Establishment for the half year ending 31st December 1854.

This document displays the exercise of much pains in its compilation, and is an evidence of the abilities and industry of Dr. Rennie, to whose zeal and diligence in the performance of his medical duties I bear most willing testimony. The diffuse length, however, in which he has allowed himself to indulge, and the professional details and medical theories with which he has overloaded it, transforming a report into a medical essay, cannot fail to to diminish its utility as a document for the information of non-professional persons.

Without meaning to offer it as a substitute for a perusal of the report itself, I shall, as a matter of convenience, attempt in the first place to present you with a précis of its contents, and shall then make a few remarks on the chief points of interest.

The report commences by stating the general health of the prisoners during the half year to which it refers to have been bad, although no serious disease besides ophthalmia and dysentery prevailed, and the mortality was small, amounting only to seven deaths. Affections of the bowels, skin, and eyes were more prevalent than during the preceding half year.

After referring to the previous report, in which it was attempted to be proved that these three diseases are identical, and depend upon a faulty and excessive diet, additional evidence is adduced, by tabular statements and detailed cases, to show the intimate connexion of these diseases. A few remarks follow on the two chief forms of ophthalmia which have been treated; one purulent, attributed to unhealthy digestion, the other (which is rare) supposed to be connected with the critical periods of remittent fever. The dysenteric affections are also stated to be of different types, and one form is supposed to be analogous to a pustular eruption. The mode of treatment pursued in the three diseases is briefly stated to be the employment of purgatives and local applications, and attempting to repair the shattered organs of digestion.

Dr. Rennie next states the advantages which he considers to accrue from the system he pursued of admitting into hospital all men reporting themselves sick instead of keeping trivial cases under observation only for the day. These advantages are stated to be,—1, the prevention of malingering; 2, the men, if not admitted, are only temporarily relieved, and, recurring to their over-abundant diet, return to hospital in a worse state than before; 3, a saving as regards diet and working pay.

Referring again to the subject of diet, he, as connected with this important subject, draws attention to the very torpid and overloaded state of the bowels found to exist in many of the prisoners admitted into hospital, giving a table and detailed cases, showing the very large doses of medicine sometimes necessary to produce purgation, and the enormous masses discharged from the bowels. An extract follows from Dr. Combe's work on the Physiology of Digestion, to prove the bad effects of excess in eating, from which it is inferred conversely that the prisoners' bowels being so torpid and overloaded, their diet must be vastly in excess.

Dr. R., after stating that he connects the local derangements of the prisoners with the condition of their bowels, proceeds to examine the other unhealthy influences that could be advanced, viz., atmospheric causes, contagion, bad water, moral depressing agencies, and peculiar moral training at home, all of which he considers inadequate to account for the prevalent diseases.

A large portion of the report is devoted to an exposition of the doctrine of metastasis, or transition of diseased action from one part of the body to another, and of the theory of humoral pathology, i. e., the dependence of disease upon the state of the blood. The constitutional disease among the prisoners is supposed to be a mixture of the gouty and scrofulous diatheses, caused by excessive diet, and passages are quoted from the works of Sir J. Clarke and Dr. Combe to show that scrofula may be induced by excessive as well as by deficient diet; an analogy between the gouty and scrofulous constitutions is inferred from the occurrence in phthisis (a scrofulous disease) of calcareous concretions, supposed to be similar to the chalky concretions of gouty patients.

The peculiar tendency to disease among the prisoners, it is stated, is to be obviated by a reduction of the diet, which should be in proportion to the latitude of the place, the inhabitants of warm climates requiring a less animal food and a less stimulating diet than those of cold regions. It is urged that the scale should be fixed on scientific principles by a medical board, and exception is taken to its being used as a disciplinary agent.

The diet of men, the re-convicted prisoners, is now stated to be too high, and one general scale for all the inmates of the prison is proposed, consisting of 18 oz. bread, 12 oz. meat, 16 oz. potatoes, and 2 pints tea, daily. Soup is recommended to be abolished as indigestible. It is suggested also that fish might be issued as an article of food, and the employment in their capture of such prisoners as are unfit for hard work is recommended. In connexion with this recommendation it is also suggested that the same class of men at the hiring depôts might be advantageously employed in manufacturing arrowroot from the zamia tree.

The advantages to be expected from a reduced diet are stated to be the improved health of the prisoners, a great pecuniary saving to Government, and a greater feeling of satis-

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faction on the part of the prisoners from their digestion being improved and their systems better nourished.

An objection is made to the introduction of bread made with decoction of bran, as the nutritive quality is diminished without the bulk being reduced. Rice is also objected to, and suet puddings recommended instead, as a substitute for potatoes when the latter cannot be procured.

The difference between the sentiments expressed in this report and those contained in that for the latter half of 1853, is explained by the more extended opportunities of observation which Dr. Rennie has since then enjoyed.

Allusion is made to the necessity for the formation of a lunatic asylum, also for providing the prisoners with a better description of hat to protect them from the sun's rays.

Lastly, the early appointment of a board is again urged to consider the serious statements made in this report.

The numbers of sick treated during the half year, as shown by the tables prefixed to the report, are large, but it will be observed that out of 1,474 only 578 were admitted into hospital. The daily proportion of sick to well is 8¼ per cent., but the value of this percentage is somewhat diminished by the knowledge that 79 of the cases admitted, these being severe cases requiring rather lengthened treatment, were from the hiring depôts, and that the surgeon at one period adopted the plan of taking all cases of ailment into hospital.

It is satisfactory to find that no serious disease, except dysentery and ophthalmia prevailed, (and so far as my observation went, few of the dysenteric cases were of great severity,) and still more satisfactory to learn that the deaths amounted only to seven, and that nearly every one of these resulted from chronic disease.

I consider it unnecessary in a report of this kind to discuss the merits of humoral pathology, the truth of which, in part at least, seems to be admitted by the generality of physicians, or of the doctrine of metastasis, several instances of which seem to have come under Dr. Rennie's observation, and shall confine my remarks chiefly to the point of most practical importance urged in the report, viz., that the prevalent diseases of the prisoners are caused by over-feeding. My views on this point have undergone but little change from those expressed to you in forwarding Dr. Rennie's previous report in October last, and I still think that he lays undue stress upon the diet of the prisoners as producing unhealthiness. The reasons which influence me in holding these views are chiefly the following:—

Ophthalmia and dysentery are common diseases among the population of this colony, and particularly during the warmer months, which form part of both the semestral periods into which the year is divided by the surgeon's reports. Cutaneous eruptions of a slight nature are also not unfrequent, especially among children. The ophthalmia is generally very tractable, but occasional cases of the severe form witnessed in the hospital of the establishment are also met with. The colonial surgeon informs me that these are not uncommon in his practice, and they invariably occur in individuals of dissipated habits.

The military return from Toodyay for the first quarter of this year shows 14 cases of ophthalmia occurring among 44 individuals who compose the detachment of sappers and pensioners, with their wives and families. In the military hospital at Perth, of 10 admissions for the quarter, six are for ophthalmia, but not of a severe character.

I have myself had, in other of the Australian colonies, some experience in ophthalmia occurring in congregated bodies of men. That disease attacking a detachment of the 99th regiment, stationed at Illawarra, 45 miles to the south of Sydney, I was sent to inquire into the probable causes of the epidemic, which I could assign only as being of atmospheric origin. Neither the families of the soldiers or the convicts suffered from it, which was supposed to be explained by the soldiers being more exposed to the night air. These men were removed shortly afterwards to another station, where they came under my care, and some of their cases proved very obstinate, remaining under treatment for months.

When removed from New South Wales to Van Diemen's Land, I found ophthalmia prevalent among the men of the 96th regiment, at Hobart Town, and it afterwards appeared also to a considerable extent in the 99th regiment.

In the general hospital at Hobart Town, of which I had charge in 1852–3, were two wards for ophthalmic patients, each containing 21 beds, generally fully occupied (and some of them by very severe cases), although those which resisted treatment for any length of time were constantly being transferred to the invalid station.

In none of these instances which I have brought forward do I consider that there were any grounds for connecting the disease with excessive or faulty diet.

The dysentery which is so common among the free population of Swan River is often a serious and sometimes a fatal disease.

I do not think there is any reason to attribute these diseases, as seen without the walls of the establishment, to either excessive or faulty diet among the richer classes, few of whom limit the amount of food and stimulants taken to the simple requirements of nature; they are by no means common, far less so than among the labouring classes. Their prevalence and aggravated form, so far as regards ophthalmia among the prisoners, I would rather attribute to their occurring among men, most of whom have constitutions impaired by previous irregularity of life, an opinion which seems to be confirmed by the experience of the colonial surgeon. I cannot help thinking, further, that all past experience tends to show that confinement for any length of time in prison renders men more subject to severe

forms of disease and less liable to resist its attacks. If I were permitted to theorize on the subject, I would select, as the remote cause of fever, dysentery, and ophthalmia, the chief endemic diseases of Western Australia, that certainly ill-defined, morbific agent, to which, amid all the discoveries of chemistry and the microscope, the most industrious inquirers into the origin of epidemics at home are content to ascribe them, viz., atmospheric causes, aided, among the prisoners, by constitutions predisposed to disease by previous irregularity of life and prison confinement.

Dr. Rennie takes credit for basing his opinions not upon theory but upon facts, yet I think that a perusal of his report leads to the impression that the former forms a large ingredient in its composition, and that the latter are scarcely sufficient to warrant the sweeping assertion that "the whole body of the prisoners, with the exception of those in "hospital and on bread and water, are constantly exposed to a morbific influence, analogous "in its operation to that of slow poison."

There is, however, one fact proved, that in many of the prisoners an exceedingly torpid and overloaded state of the bowels exists, and sometimes contemporaneously with the presence of ophthalmia and dysentery. Indeed, some of the cases of dysentery appeared to me to be rather cases of constipation, an affection which does not appear in the nosological tables prefixed to the report. The presence of constipation cannot fail to aggravate other diseases, and must temporarily unfit the subject of it for any but the most meagre and simple diet, being itself increased in obstinacy by the man's continuing to eat his usual allowance of food. This torpor of the bowels I ascribe to the same constitutional defect already referred to, rather than to excessive and faulty diet.

It seems that the re-convicted prisoners have not, as formerly, enjoyed better health than the probation prisoners, which is assumed, scarcely legitimately, as a proof that their diet also is now in excess; the conclusion would be, that it is as injurious as the larger diet.

Instead of the re-convicted scale, Dr. Rennie proposes a much smaller one for the general body of the prisoners, holding that diet should never be used as a disciplinary means, and, I presume, abolishing the punishment of "bread and water," used in all penal establishments.

With reference to latitude as influencing diet, the point seems to me to be overstrained when the differences between Lapland and Naples is placed side by side with that between London and Swan River. A highly azotyzed diet is undoubtedly necessary in very cold climates, and is unnecessary and injurious in very warm latitudes; but I cannot recognize an allowance containing at the most 16 oz. of animal food as a highly azotyzed diet for the latitude of Swan River. Experience, too, shows in the case of farm labourers and persons employed in pastoral occupations in this and the other Australian colonies, what large quantities of animal food can be consumed (I do not say it is necessary) with impunity; many of these persons enjoying uninterrupted good health, while eating three hearty meals of animal food daily.

Although it will be collected from the foregoing remarks that I am not at all inclined to consider the present allowance of food injurious to the health of the prisoners, yet, regarding diet merely as a means of keeping men in a working state of health, I must admit that I think this would be done by a somewhat smaller scale than that of the probation class. As I stated to you on a former occasion, when I sat as a member of the Board which fixed the present scale, I considered the allowance of 26 oz. of bread to be too large, and was only induced to concur with the other members in allowing that quantity by a consideration of the scales laid before us of diet used in other prisons, and, I may add, by their representations that diet was necessarily disciplinary.

Whether reducing the diet of the prisoners would, as so confidently asserted by Dr. Rennie, improve their general health, can, of course, be known only by trial. I beg leave to suggest for your consideration, whether advantage might not be taken of the removal of the prisoners to the new gaol to institute an experimental trial of this nature. I should certainly not be inclined to recommend, for men obliged to labour, the low scale proposed by Dr. Rennie, but I think that the quantity of bread and rice might be temporarily diminished without any bad results, and that the meat need not at any season be more than 14 oz. The doing away with soup I consider a matter of minor importance. I have not a favourable opinion of its digestibility; yet it is a standing article of diet for soldiers, who seem to suffer no bad effects from its use. The proposal to substitute suet puddings for rice I do not concur in, as I regard them as very indigestible articles of food.

I may here state the present diet of the soldiers of the 99th regiment, stationed in Perth, to be, compared with that of the probation prisoners, viz.: 27 oz. bread, 16 oz. meat, 8 oz. vegetables, 1 oz. rice, $3\frac{1}{4}$ oz. sugar, $\frac{1}{4}$ oz. tea, $\frac{1}{2}$ oz. coffee, $\frac{1}{4}$ pint milk. With this ample ration ophthalmia is not unusually prevalent or severe among them, neither are they particularly subject to affections of the bowels, showing that their healthiness is to be imputed to some other cause than diet.

If it should seem to you to be advisable to recommend the assembling of a Board to reconsider the important question of diet, and to inquire into the correctness of the opinions so strongly urged by Dr. Rennie, I would beg leave to suggest that the opinions of other members of the medical profession be called for, as it is intimated that mine, as a member of the former Board, cannot be unbiassed.

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A few other points deserve brief notice before concluding this communication.

As to the practice of taking trivial cases into hospital, I am of opinion that no man with such a complaint as not to interfere with, or likely to be aggravated by labour, need be admitted for treatment; and that all such ailments as the surgeon has reason to believe can be so far removed in the course of the day as to admit of the man resuming work on the following day, require only to be kept under observation without admission on the hospital books. If malingering were found to be a prevalent practice, the surgeon would certainly be justified in taking suspected schemers into hospital for special treatment. As to the saving said to arise as respects the working pay and diet, I have to observe, that the former could be deducted if the man does not actually work during the day; and, in regard to the latter, that even if admitted into hospital, there can be no saving, as the man's full prison diet must already have been drawn for that day.

The report recommends the employment of invalid prisoners in fishing at Fremantle, and, at the hiring depôts, in making arrowroot from the zamia tree. The latter suggestion seems to me not unworthy of consideration.

In connexion with this subject, I beg leave to express a hope that the question of the formation of an invalid depôt may not be lost sight of. Every year will add to the numbers, who, thrown helpless on the Government for support by being bodily disabled for work (I would particularly cite the case of men losing their eyesight), would be fit objects for admission into such an establishment.

The question of the formation of a lunatic asylum, on which I have already had the honour to express my sentiments to you, is also one demanding attention, from the steadily increasing numbers of insane prisoners.

Lastly, the request made by the surgeon for hats affording better protection from the sun's rays than those now in use, is one in the propriety of which I concur, having had occasion in an official communication to express a similar opinion before I was officially connected with the convict department.

I have, &c.
(Signed) GEORGE T. GALBRAITH, M.D.
Staff Surgeon, P.M.O.

The Hon. the Comptroller General.

Encl. 4 in No. 18.

Enclosure 4 in No. 18.

SIR, Colonial Secretary's Office, Perth, August 25, 1855.

I AM directed by his Excellency the Governor to enclose a copy of a correspondence between the convict authorities, relative to the present scale of rations to prisoners in confinement at the establishment, and I have it in command to request you will appoint Staff Surgeon Galbraith, M.D., and Assistant Surgeon Rennie, M.D., to act conjointly with the assistant colonial surgeon, Mr. Shipton, in inquiring into and reporting on the matters treated of in the superintendent's letter.

Have the goodness to place the enclosed correspondence in the hands of Dr. Galbraith, who will act as president of the Board.

I have, &c.
(Signed) FREDERICK P. BARLEE,
Colonial Secretary.

Lieut.-Col. Bruce
&c. &c.

SIR, Comptroller General's Office, Fremantle, August 23, 1855.

I HAVE the honour to forward for his Excellency's consideration a copy of the report of the Visiting Justices of the Convict Establishment for the current month, together with copy of a letter from the superintendent, remarking on that portion of it which refers to the number of prisoners under medical treatment.

As far as my own opinion goes, and that coincides with the highest authorities in England, where the subject has been fully discussed and experimented on, I think the present ration too small, more especially as regards vegetables, and I believe the principal medical officer is of the some opinion.

I have, &c.
(Signed) E. Y. W. HENDERSON.

The Hon. the Colonial Secretary.

Sir, Superintendent's Office, Fremantle, August 22, 1855.

IN transmitting you the annexed certified copy of the Minutes of the Board o Visiting Justices on the 3d of August current, I have the honour to remark upon that portion of it which refers to the number of prisoners under medical treatment. I really fear the sanitary condition of the general body of the prisoners is not so satisfactory as the Minutes of the Visiting Justices would induce one to imagine, and to support this opinion I would mention that on the 3d instant, the day in question, there were no less than thirty-two applications by prisoners for medical treatment; fifteen of which were entered as requiring medicine, nine were excused work, one was admitted to hospital, and two were under observation in the cells.

If these several numbers were added to the number in hospital on the morning of the 3d instant, it would give a very different colouring to the matter, and most certainly would not support the assumption of there being little sickness among the men.

It must not be supposed that the numerous applications spring from a desire to evade work by getting into the hospital. The indisposition of prisoners usually to enter an infirmary is so strong, that in ninety-nine cases out of one hundred, there must be some real ground of complaint before they would put down their names to see the doctor.

As respects the appearance of the men, my impression is that they are *not* so stout, particularly the old hands, as I have seen. Whether this may be attributed to the reduced ration is a question which I shall not now discuss; but as respects the operation of the reduced ration on the morale of the prisoners, I do not hesitate to say it is most pernicious. Prison crime is largely on the increase; dissatisfaction and complaints of hunger, &c., are frequent and general, and I cannot disguise from myself that the experience of the most competent authorities on the victualling of prisoners is opposed to the ration of bread and potatoes now issuable to our men.

I have, &c.

(Signed) THOMAS H. DIXON, Superintendent.

The Hon. the Comptroller General.

Board of Visiting Justices, Fremantle, August 3, 1855.

PRESENT:

Rd. McB. Brown, Esq., J. P., Chairman.
Thos. N. Gule, Esq., J. P.
Thos. Brown, Esq., J. P.

Minutes of last meeting read and confirmed.

Inspected the prisoners in the several associated wards and cells. In all alike the men complained of the insufficiency of diet according to the altered scale as on the minutes of their last visit. The Board, although they feel it to be their duty to notice these complaints, refrain from offering any opinion, but, at the same time, record their testimony to the general healthy and stout appearance of the prisoners, whom the Board were more than usually particular in inspecting both at their dinner and on parade.

The books of the superintendent were examined, which show many cases of petty theft, more particularly of articles of food, within the walls of the establishment, and for the most part by the men of the last ship.

It is with pleasure the Board minute the evident decrease in the number of re-convicted prisoners, only 32 having been received during last quarter, out of a ticket-of-leave population of over 2,000.

The association wards and solitary cells much improved as to dryness since last visit, and the former much better ventilated by the windows being made to open.

The chaplain not at present being provided with an office, in the unfinished state of the buildings, was not prepared to lay his journal before the Board.

Visited the hospital, punishment cells, &c., as usual. No complaints preferred, with the exception of that general one already noticed, viz., insufficiency of ration. The number of sick in hospital fewer than has usually been the case, being only 33 out of 636 prisoners at present within the walls, irrespective of ticket-of-leave holders from the several district stations.

Adjourned.

(Signed) R. McB. BROWN,
Chairman.

PROCEEDINGS of a Medical Board of Officers assembled at Fremantle, on the 28th of August, by Order of Lieutenant Colonel Bruce, at the Request of his Excellency the Governor, to inquire and report on certain Matters treated of in a Correspondence between the Convict Authorities relative to the Scale of Rations issued to the Prisoners in the Convict Establishment.

President:

Staff Surgeon Galbraith, M.D.

Members:

Assistant Surgeon Rennie, M.D., O.M.D.
Assistant Colonial Surgeon Shipton.

The Board having assembled agreeably to order, proceeded to read over the correspondence hereto annexed.

They then inspected on parade the prisoners now in the establishment, having the men who arrived in the "Stag" and "Adelaide" (the two last convict ships), 449 in number, separated from the other probation prisoners, 112 in number.

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The Board next proceeded to inspect the sick and examine the hospital records, and found 37 men under medical treatment this day, viz.: 5 ticket-of-leave holders, 25 probation prisoners, 7 re-convicted prisoners. Their diseases were as follows:—

Fevers	2
Chest affections	9
Bowel complaint	1
Rheumatism	1
Ophthalmia	5
Epilepsy	1
Debility	1
Insanity	6
Surgical diseases	11
Total	37

The casual sick on this day were 33, of whom 2 were admitted into hospital (included in the preceding list) with surgical ailments; 5 were considered by the surgeon to have nothing the matter with them; 2 were cripples, to be brought under the notice of the principal medical officer; 6 required purgatives, and the complaints of the remainder were of an unimportant nature. Of these 25 were prisoners lately arrived in the colony.

Of the 32 casual sick on the 3d of August, the day referred to in the superintendent's letter, 1 was admitted for bowel complaint, and shortly afterwards made his escape from the prison; 1 was kept in hospital for the day, and has not since been under treatment; 5 reported themselves for the purpose of asking for flannels; 7 were considered by the surgeon to have nothing the matter with them, and the complaints of the remainder were of a very slight character. Twenty of them were prisoners by the two last convict ships.

The Board then adjourned until a complete return of the sick admitted during the present month could be furnished.

The following is a comparative statement which the Board have since drawn up of the amount of sickness in the convict establishment for the last three months, and the corresponding period of the year 1854:—

——	Strength.	Number of Admissions.	Excused Work for the Day.
1854.			
June	636	72	78
July	563	48	110
August	459	89	107
1855.			
June	575	88	0
July	537	69	23
August	707	68	90

The following is a summary of the classes of diseases treated:—

——	Fevers.	Affections of Bowels.	Affections of Chest.	Rheumatism.	Other Medical Diseases.	Ophthalmia.	Surgical Diseases.	Total.
1854.								
June	2	6	2	2	7	37	16	72
July	2	4	1	2	2	26	16	48
August	3	9	2	2	22	39	12	89
1855.								
June	3	9	1	9	17	31	15	88
July	3	7	6	3	9	27	14	69
August	4	6	14	6	8	15	15	68

From the preceding investigation the members of the Board have drawn the following conclusions:—

1. With regard to the personal appearance of the prisoners, Staff Surgeon Galbraith and Mr. Shipton are of opinion that there is a marked difference between the men lately arrived in the colony by the "Stag" and "Adelaide," and the other prisoners, the latter looking paler and less robust. Looking to the comparatively short period of time during which the present scale has been in force, they are not prepared to state whether this apparent difference is owing to the late reduction of the diet or the consequence of climate.

Assistant Surgeon Rennie did not perceive any such decided difference between the two classes of prisoners.

2. The Board are unanimous in stating their opinion that the present sanitary condition of the prisoners is very satisfactory.

The number of casual sick is not greater than under favourable circumstances might be expected in such a large body of prisoners as is now confined in the establishment, and their complaints appear to be generally of little importance, not requiring hospital treatment.

3. With regard to the scale of diet now in use, Mr. Shipton is of opinion that 12 oz. of potatoes is a small allowance, but considers that a longer trial should be given to the scale lately adopted before making any alteration in it.

Assistant Surgeon Rennie considers the present allowance of provisions sufficient in every respect.

Staff Surgeon Galbraith adheres to the opinion expressed by him in the proceedings of the Medical Board which fixed the present scale, viz., that as he considers a liberal allowance of vegetables to be essential for maintaining the health of the prisoners, and as the supply is not always such as to admit of a continuous daily issue of them, he is of opinion that the allowance of potatoes should not be less than the old rations of 16 oz. per man.

Staff Surgeon Galbraith draws attention to the fact that, at the time of the meeting of the present Board, there had for a fortnight been no issue of vegetables to the prisoners in the convict establishment.

(Signed) G. T. Galbraith,
Staff Surgeon, President.
D. F. Rennie, M.D.,
Assistant Surgeon, O.M.D.
John Shipton,
Assistant Colonial Surgeon

Sir, Colonial Secretary's Office, Perth, September 10, 1855.

In reference to your letter of the 23d August last, transmitting a copy of the report of the Visiting Magistrates of the Convict Establisment, together with a letter from the superintendent, I have the honour to inform you that his Excellency having received the report of the Medical Board appointed to inquire into the questions treated of in the above-named correspondence, does not feel justified in making any alteration in the rations as at present fixed.

The comparative statement of sick in 1854 and 1855 is contrary to Mr. Dickson's opinion, and the disinclination which he states to exist on the part of prisoners to report themselves sick if not really so, is opposed to the fact shown by the Medical Board, viz., that of thirty-two casual sick on the 3d August, one was well enough to effect his escape from the prison, one was in hospital but one day, twelve had nothing the matter with them, and "the remainder had ailments of a very slight character." Twenty of the total number appear to be late arrivals, and consequently those who could have suffered least from any supposed injudicious change of diet.

The irregular supply of vegetables should, if possible, be avoided; this I mention, as it appears for a fortnight previous to the meeting of the Medical Board there had been no issue of vegetables in the convict establishment.

I have, &c.
(Signed) Fred. P. Barlee,
Colonial Secretary.

The Hon. the Comptroller General.

No. 19.

No. 19.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Lord John Russell.

(No. 17.) Government House, Perth, October 18, 1855.
(Received March 7, 1856.)

My Lord, (Answered, No. 13, March 20, 1856, page 227.)

1. I have the honour to transmit the estimates for convict expenditure in Western Australia for the financial year 1856–7.

2. I am sensible that these estimates ought to have been transmitted at an earlier period, but I trust that the reduction which they show, as compared with 1855–6, will in some measure compensate for the delay in their preparation, caused in some measure by a change of Governors at the time they were usually decided upon.

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Sent with original Despatch

3. The minutes of the Finance Board, which accompany the estimates, are so full and explanatory, that little comment from me is required.

4. At pages 18 and 23 of the minutes, the expediency of continuing the Port Gregory Depôt is adverted to. I am unwilling to express my opinion or take any step in reference to this depôt till I am better informed on the subject, and, possibly, visit the district. A premature withdrawal of this depôt would inflict much private hardship, and possibly create public embarrassment by closing the door to future extensive convict employment. The subject shall receive my best consideration.

5. With reference to the Albany Depôt, Lieutenant Crossman, R. E., informs me that during the last six months, two men only have been hired in private service, twelve have gone out on their own account, and six have been returned to depôt from private service, and twelve men who were working on their own account in the district have been obliged to return to the depôt from inability to earn a livelihood. Thus it appears (not taking into consideration the men in depôt who have received their conditional pardons, and have consequently left,) that instead of any men having been hired from the depôt in the last six months, four have been returned to it. With these facts before me, and seeing no probability that more than the number of ticket-of-leave men and conditional-pardon men at present employed there will be required, I have decided upon withdrawing that very distant and expensive hiring depôt as soon as practicable. There are, in my opinion, various other good reasons for withdrawing this depôt. An increase of free settlers and capital may justify its re-establishment at some future period.

6. Ticket-of-leave men can always obtain passes to proceed to the district where they can find employment.

7. The extra rations, in value 1,700*l.*, to convict blacksmiths and sawyers, adverted to at page 79 of minutes, deserves consideration, and has been much discussed. I would only remark, that it would require a large value in labour to justify this extra outlay for rations.

8. The supply and class of books estimated for and adverted to at page 80 of minutes, is, in my opinion, of questionable expediency or utility, and the Superintendent's letter at page 82 fails to convince me, when I consider the class of minds they are intended for.

October 5, 1855.

9. In reference to the estimates generally, and the number of prisoners and ticket-of-leave men for whom provision is made in the annual estimates for 1856 7, I have to state there are at present on the hands of Government 691 prisoners and 466 ticket-of-leave men.

10. Of the prisoners 288 will be discharged on tickets of leave on or before the 31st March 1857, leaving 403 on the hands of Government.

11. Assuming, therefore, that 600 prisoners are sent to this colony between the present time and the 31st March 1857, the provision made in the estimates will be only sufficient.

12. The class of prisoners recently sent to this colony consists of men with long sentences, and therefore the numbers in prison decrease but slowly.

13. Of the total 1,578 ticket-of-leave men, 466 are on the hands of Government, a fact I much regret, but many of these are, I fear, unsuited to colonial employment. Of the whole number, 1,392 will receive conditional pardons on or before 31st March 1857, leaving (with those discharged from prison during that interval) 474 men on ticket of leave.

14. The absorption of the whole number into private service is, I hope, probable; but assuming 50 men to be on public work, the estimates would cover an additional 350, making a total of 950 convicts to be sent to the colony between the present time and 31st March 1857.

15. The estimate now transmitted for 1856–7 is for 1,400 men, namely, 1,000 prisoners and 400 ticket-of-leave men, at a total cost, including police both land and water, of 74,408*l.* 2*s.* 10*d.* The estimate for the year 1855–6 was for 1,500 men, at a total cost of 93,724*l.* 17*s.* 11*d.* There is consequently a reduction on the estimate now submitted of 19,316*l.* 14*s.* 2*d.* as compared with those of 1855–6, although the number estimated for is only 100 less.

16. It will be observed that there are large reductions in the staff of warders, supervision of ticket-of-leave men, public buildings, and wages of ticket-of-leave men.

17. A considerable reduction in the cost of provisions has been effected, mainly owing to the reduced ration now issued. The provisions and light for 1,500 men were estimated to cost 43,959*l.* 19*s.* 6*d.* for the year 1855–6, while in the present estimate for 1856–7 the provisions and light for 1,400 men are estimated to cost 35,097*l.*

18. In comparing the estimates of the two years, it should be observed that in the estimates for 1855–6 the visiting magistrates were separate; this year they are included in the salaries of the hiring depôt. Also in 1855–6 the medical and religious officers of the convict prison were under separate heads; this year they are included under that of the convict establishment,

19. I would, in conclusion, assure your Lordship of my belief that the officers composing the Finance Board have spared no pains in preparing these estimates with the strictest economy compatible with the efficiency of the establishment, and a perusal of the accompanying minutes of their proceedings will show that every item has been thoroughly discussed.

I have, &c.
(Signed) A. E. KENNEDY.

The Right Hon. Lord John Russell,
&c. &c. &c.

Enclosure 1 in No. 19.

Encl. 1 in No. 19.

PROBABLE RECEIPTS in aid of Convict Expenditure, to be deducted from the probable estimated Expenditure for the year 1856–7.

	£	s.	d.
Sale of fittings: Convict ships	120	0	0
Hay from convict grant, Fremantle	108	0	0
Vegetables at Guildford, York, Toodyay, Bunbury, and Albany	30	0	0
Income tax	300	0	0
Passage money, payable in cash	1,200	0	0
	£1,758	0	0

Amounting to one thousand seven hundred and fifty-eight pounds sterling.

(Signed) WM. F. MENDS,
Deputy Commissary General.

Enclosure 2 in No. 19.

Encl. 2 in No. 19.

SCHEDULE of ESTIMATES, showing the probable Amounts required to be paid from Convict Funds on account of the various Services in connection with the Convict Department during the year 1856–7, embracing Items 1 to 17, explanatory Sub-estimates herewith.

Item No.	Service.	Amount. £	s.	d.
1	Comproller General's department	2,232	1	8
2	Convict establishment	8,107	13	1
3	Hiring depôts	3,193	4	10
4	Medical department	729	5	0
5	Religious instruction	550	0	0
6	Royal engineer department	1,302	16	1
7	Land and water transport	2,934	0	0
8	Public buildings	5,983	0	0
9	Water police force	1,021	1	8
10	Magistracy and land police	7,000	0	0
11	Apprehension of runaway convicts	50	0	0
12	Wages of ticket-of-leave men on public works	2,648	14	0
13	Gratuities to prisoners	800	16	6
14	Miscellaneous services	1,758	10	0
15	Prison stores and clothing	1,000	0	0
16	Provisions	33,209	0	0
17	Fuel and light	1,888	0	0
		£74,408	2	10

Amounting to seventy-four thousand four hundred and eight pounds two shillings and tenpence sterling.

(Signed) FRED. P. BARLEE,
Chairman Finance Committee.

NOTE.—The remaining Enclosures being very voluminous, and relating to matters of detail, are not printed.

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No. 20.

No. 20.

COPY of a DESPATCH from Governor KENNEDY to the Right Hon. Sir WILLIAM MOLESWORTH, Bart.

(No. 118.) Government House, Perth, December, 21, 1855.

(Received March 24, 1856.)

SIR,

* Page 112.

1. IN my Despatch No. 106,* dated 18th October 1855, I had the honour to acquaint Lord John Russell that, with the concurrence of the Executive Council, I had decided upon removing the native prisoners to their original station at Rottnest Island.

2. I have now to inform you that I have, subject to your sanction, appointed the following staff for the native convict establishment and Government farm on that island :—

	£	s.	d.
One gaoler and superintendent at a salary of -	200	0	0
One overseer, and wife of ditto as cook and housekeeper - - - -	72	5	0
One white man as ploughman and caretaker of horses - - - -	52	0	0
Total -	£324	5	0

These salaries include rations and all allowances, except five per cent. to the superintendent on the net amount realized by the sale of produce.

3. The staff hitherto maintained on the island as a Government farm alone, without native prisoners, was as under :—

	£	s.	d.	£	s.	d.
One manager - - -	52	0	0			
Rations for ditto - -	20	0	0			
				72	0	0
One boy - - - -	13	0	0			
Rations - - - -	20	0	0			
				33	0	0
One convict in charge of horses -	20	0	0			
Rations - - - -	20	0	0			
				40	0	0
Two convicts from Fremantle establishment, rationed - - - - -				40	0	0
Warder Hill - - -	54	0	0			
„ wife - - - -	18	5	0			
				72	5	0
Warder F. Kennedy - - -				42	0	0
Total -				£ 299	5	0

4. The cost for supervision of native prisoners at Perth will of course be saved.

5. I have been fortunate enough to obtain the services of Mr. Vincent as superintendent; Mr. Vincent having for many years managed the native establishment on the island most successfully.

6. You will, from the foregoing statements, observe that the farm and prison establishment combined will involve an increased expenditure of 25*l.* per annum only, while the advantages and pecuniary profit will be important and considerable.

7. I trust that these arrangements may meet your approval.

I have, &c.

(Signed) A. E. KENNEDY,
Governor.

The Rt. Hon.
Sir William Molesworth,
&c. &c. &c.

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No. 21.

No. 21.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Sir William Molesworth, Bart.

(No. 23.) Government House, Perth, December 21, 1855.

(Received March 24, 1856.)

Sir,

I have the honour to transmit a copy of a letter from the Comptroller-General of Convicts enclosing one from Mr. Dixon, superintendent, in reference to superannuation allowance. November 14, 1855.

These letters are so explanatory that comment from me is unnecessary, beyond stating that I think the question should be definitely set at rest. November 10, 1855.

I have, &c.

The Rt. Hon. Sir William Molesworth, &c. &c. &c.

(Signed) A. E. KENNEDY, Governor.

Enclosure in No. 21.

Encl. in No. 21.

Comptroller General's Office, Fremantle, November 14, 1855.

Sir,

I have the honour to forward herewith for the consideration of his Excellency the Governor, copy of a letter from the superintendent of the convict establishment requesting to be informed as to the position in which the officers of the establishment stand in regard to the Civil Service Superannuation Fund. November 10, 1855.

I have, &c.

The Hon. the Colonial Secretary, &c. &c.

(Signed) E. Y. W. Henderson.

Sub-Enclosure in No. 21.

Sir, Superintendent's Office, Fremantle, November 10, 1855.

I have the honour to request I may be informed of the position in which the officers of this establishment are assumed to stand in relation to the Civil Service Superannuation Fund; some precise understanding upon this point being desirable for many reasons, seeing that a thorough comprehension of the contingencies of the service might ensure a better class of officers, who would make it a permanent employment.

The question has been under consideration, I believe, more than once, and the right to superannuation or pension has been admitted by the Imperial Government beyond doubt or cavil. The Despatch No. 99, 20th August 1851, clearly establishes this, and the only thing now desired is a knowledge of the terms or the rates of superannuation.

I have observed in one of the public journals published in England, dated 2d June, 1855, that "A Bill has been prepared, of which the following is a correct scale, of the "new Civil Service Superanuation Fund: $\frac{20}{60}$ after ten years of service; $\frac{1}{60}$ for every "additional year's service. Contribution for salaries under 100*l.* per annum 1 per cent.; "above 100 per annum $2\frac{1}{2}$ per cent. After twenty years payment of superannuation "fund no further payment to be made. All men to retire on reaching 65 years of age. "If a man dies in 'harness,' his widow is to receive one year's pay, provided he has been "in the service twenty years," &c. &c.

The Despatch, No. 99, 20th August, 1851, however acquaints the then governor of this colony that my Lords of the Treasury had, after mature consideration and inquiry, "decided to relieve the officers belonging to the (convict) establishments in the different "colonies from any further contributions out of their salaries on account of the "Superannuation Fund."

Requesting the favour of being furnished with full instructions on this point, in order that I may be prepared to satisfy the inquiries of warders who have left England on the impression that their privileges are guaranteed them in this colony, and in order also that I may publicly notify the views of the Government on this point.

I have, &c.

The Hon. the Comptroller General.

(Signed) Thos. H. Dixon, Superintendent.

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No. 22.

No. 22.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Sir William Molesworth, Bart.

(No. 24.) Government House, Perth, December, 21, 1855.
(Received March 24, 1856.)
(Answered, No. 15, April 4, 1856, p. 232.)

Sir,

* Page 151.

Adverting to my Despatch (Convicts) No. 17,* paragraph No. 5, dated 18th October 1855, having reference to the withdrawal of the Albany Hiring Depôt, I have now the honour to inform you that I have made final arrangements for effecting this object on the 31st December 1855.

2. I enclose herewith a return of the officers who will be discontinued from that date, showing an annual saving in salaries and allowances of 514*l.* To this must be added additional cost of transport of provisions to that distant point, amounting to probably 1300*l.* more.

3. The number of men in the Albany depôt and road party is about forty, and I have directed them, while on their return to head quarters, to effect such repairs as are actually necessary to render the main road from Perth to Albany passable in the winter season.

4. This proceeding will occupy the party two months, and involve a cost of about 150*l.* additional for transport of provisions. This small additional cost, as compared with the saving shown above, I trust may meet your approval.

5. Were this work (principally drainage) neglected to a later period of the year, the road would be in parts perfectly impracticable, and the large amount of labour and funds already expended on this only line of communication to King George's Sound valueless, and in the event of the re-establishment of a packet station highly embarrassing.

I have, &c.
(Signed) A. E. KENNEDY,
Governor.

The Rt. Hon.
Sir William Molesworth,
&c. &c. &c.

Encl. in No. 22.

Enclosure in No. 22.

Memorandum of Reductions to take place at Albany Hiring Depôt after 31st December 1855.

	£	s.	d.	£	s.	d.
Medical attendant, William Finer - -	-		-	36	0	0
Senior Assistant Superintendent Warburton -	162	3	4			
Lodging - - - - -	37	10	0			
Horse allowance - - - -	66	18	4			
Ration (say at least) - - - -	20	0	0			
				286	11	8
Assistant Superintendent Humphreys 94*l.* 5*s.* 10*d.* (has quarters)				94	5	10
Overseer - - - - -	64	2	6			
Lodging - - - - -	13	0	0			
Temporary increase - - - -	10	0	0			
Charge of lock-up - - - -	10	0	0			
				97	2	6
Total reduction - - -				£514	0	0

(Signed) A. E. Kennedy, Governor.

No. 23.

No. 23.

Copy of a DESPATCH from Governor Kennedy to the Right Hon. Sir W. Molesworth, Bart.

(No. 2.)

Sir, Government House, Perth, January 7, 1856.
(Received March 24, 1856.)

1. I have the honour to transmit the Report of the Comptroller General of Convicts for the half year ended 30th June 1855.

2. The infrequency of mails to or from this colony, and a desire to put you in possession of this Report as early as possible, preclude me from offering any lengthened remarks, having received it on the eve of the departure of the mail.

3. The Comptroller General has recorded his views in his usually lucid manner, and I am glad to find he concurs in most of the opinions I had formed from my own observation since I assumed the government of this colony.

4. I will confine the hasty comments I am enabled to offer on the present occasion to the proposed changes in the system hitherto pursued, rather than to the many gratifying facts recorded by the Comptroller, and will proceed to do so page by page, in the order in which they are given in the Comptroller's Report.

5. I would not be understood to give my entire assent to the favourable view conveyed in the Return No. 4, "An Abstract of Offences and Convictions," &c., at page 2, having now before me "A Return of Ticket-of-Leave Holders reconvicted during the quarter ending 31st December 1855." By this latter document it appears forty-six ticket-of-leave holders were reconvicted, exclusive of conditional-pardon men, within the period named.

6. I concur with the Comptroller General in the belief expressed at page 159, "that some modification has become necessary;" and also in his opinion at page 160, that "the present system (in reference to hiring depôts) is clearly bad."

7. I also concur in the Comptroller's opinion and views at page 160, where he clearly shows the false economy and ill effects of enforcing "passage money." I have made extensive inquiry, and well considered this subject. It works badly, and is the reverse of being economical.

8. I cannot entertain a doubt of the soundness of the Comptroller's views at page 160, where he suggests that those ticket-of-leave men who do remain on the hands of the Government should be retained on public works under a stringent system of discipline, drawing a broad distinction between ticket-of-leave holders thus situated and those who live by their own labour. The comparative comfort and life of ease in the hiring depôts, as at present conducted, is in my opinion the most faulty feature in the existing system; expensive to the country, unjust to society, and injurious to the men themselves, unfitting them for a life of toil and perseverance.

9. In the Comptroller's views at page 160, where he recommends the system to be assimilated to that in England, making conditional-pardon men and ticket-of-leave holders alike amenable to "summary jurisdiction," I entirely concur. I only waited the receipt of the Comptroller's Report to strengthen my own recommendation to the Secretary of State that the suggested change should be made.

10. I can add little to the Comptroller's clearly expressed views at page 160. The grievance of entailing the heavy expense of prosecuting conditional-pardon men on the Colonial Government is a substantial one, and ought to be redressed without delay.

11. At the quarter sessions holden while I write, an expense of 200*l.* has been incurred for prosecuting and convicting conditional-pardon men, who ought in my opinion (and might have been under the change I suggest) summarily dealt with by the magistrates at comparatively trifling cost.

12. Where a ticket-of-leave man of some years' standing, and a conditional-pardon man of a few days' standing, are taken as accomplices in the same crime,

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there seems to be a manifest injustice and inconsistency in sending the latter before a jury while the former is summarily dealt with, the chances of escape before a jury being much greater.

13. There can be no doubt of the mischief to society and the men themselves in being landed in masses with tickets of leave (p. 161). Any men, convicts or free, will commit excesses on landing after a four months' voyage; how much more so on being let loose in a small town containing 2,000 inhabitants, a hot climate, and twelve licensed grogshops.

14. I concur in all stated at page 161. The adoption of these measures will be a saving of money, time, trouble, and crime.

15. I have fully discussed all these subjects with the Comptroller, and I am glad to find my own convictions strengthened by his ample experience (page 161).

16. I confess myself an enemy to chains and the whip. In early military life I saw both tried with signal failure; but all sane men know there are and must be exceptions to the rule. I believe, where such punishments are supposed to be necessary, the cheapest, most humane, and only successful mode of treatment is to shut up such characters for life, as in the case of dangerous lunatics; they are comparatively few in number.

Despatch (Convicts) No. 16, October 18, 1855 (page 114).

17. I have in a former Despatch stated my views on the question of diet and amount of ration. I concur to a great extent with Dr. Rennie, of whose ability and independence I think highly. The superintendent's humanity and kindly feeling exceed his zeal and efficiency,—no slight praise; but he fails to convince me, in face of Dr. Rennie's evidence.

18. Want of time compels me to withhold any comments which the Reports of the superintendent, Captain Wray, the chaplain, &c. may appear to call for.

19. I have in conclusion only to recommend the Report of the Comptroller General to your earnest consideration, involving as it does matters of vital importance to the mother country, the colony, and the convicts sent here.

I have, &c.
(Signed) A. E. KENNEDY,
Governor.

The Right Hon. Sir W. Molesworth,
&c. &c. &c.

Encl. 1 in No. 23.

Enclosure 1 in No. 23.

Comptroller-General's Office, Fremantle,
November 1, 1855.

SIR,

I HAVE the honour to forward herewith my half-yearly Report of the Convict Department in this Colony, for the six months ending 30th June 1855, together with the returns and documents as per schedule.

The number of convicts received during the six months was 231, of whom six were convicts from India, who arrived per "Guide," on 6th January and 225 who arrived per "Stag," on 24th May; of the latter, twelve received their tickets-of-leave on landing, and the remainder were placed on the public works to finish their probation.

The total number of convicts received into the Colony up to 30th June 1855 was 3,444; of these, 2,102 remained on the hands of Government on that date (Return No. 2); 1,037 were in private service; and of the remainder, 535 were prisoners on the public works, 517 ticket-of-leave men on the public works, and thirteen in hospital.

Of the whole number, 3,444, 1,342 have been disposed of, of whom 1,170 have received conditional pardons, eight have received free pardons, five have escaped, three are missing (believed to be drowned), and 145 have died. Return No. 3.

Return No. 4 is an abstract of offences and convictions of free and bond during the half year, showing 467 convictions and 158 acquittals among the free population, and 492 convictions and 117 acquittals among the ticket-of-leave population. This Return, however, is not entirely satisfactory, as it does not show who among the free population were holders of conditional pardons, and until this is the case no deductions can be safely drawn. I hope, hereafter, as far as possible, to avoid this, by requesting the magistrates, in all cases where practicable, to ascertain whether men entered as free are holders of conditional pardons.

As usual, nearly one-half of the convictions are for drunkenness. There has been, I regret to say, one case of murder during the half year, of a young woman, by her lover whom she had jilted; the man was executed.

There are no cases of robbery with violence; and the other crimes, with the exception of one case of rape (in which there were certain mitigating circumstances), are not of a heinous nature; in fact, drunkenness, and those petty offences which are characterized as "not particularized," such as absence, out after hours, idleness, &c., make up no less than 285 out of 467 convictions among the free, and 318 out of 492 convictions among the bond. It is not too much to say that if there were no drunkenness there would be very little crime, for many of the assaults and larcenies are under the influence of or the consequence of drink.

Return No. 5 gives the average rate of wages, as far as they can be ascertained, of ticket-of-leave men in private service, or working on their own account, which, however, includes of necessity mechanics and men who have not rations allowed, consequently the average appears high; the majority of labourers receive from 12*l.* to 24*l.* a year with rations.

Nine ticket-of-leave men received permission to marry during the half-year, and are doing well; and eleven have died, including one execution. (Returns Nos. 6 and 7.)

Five men have applied for their wives and families (Return No. 8), in addition to a number of previous applications, which, in consequence of the discontinuance of emigrant ships, have not as yet been complied with.

The report and enclosures of the superintendent of the Convict Prison at Fremantle give in full detail the whole proceedings of that establishment, and it affords me much pleasure to continue to report upon the high state of order, discipline, and cleanliness there maintained; in fact, nothing can be more satisfactory than the manner in which the superintendent has performed his duties, and I believe the results will bear comparison with any prison at home or abroad.

The prison is visited almost daily by the police magistrate, and monthly by a board of independent magistrates, so that every irregularity or abuse, if such existed, can at once be checked.

The superintendent remarks on the class of men available as warders; but judging from the men sent from England, where there is a wide field to choose from, I doubt if men of much greater capacity or intelligence can be induced to perform the arduous duties of prison warders, especially in a limited establishment like this, where the chances of promotion are but small. I think, taking all things into consideration, the discipline officers of the establishment are a tolerably fair selection.

I have much pleasure in calling your Excellency's attention to the considerable reduction in the number of ticket-of-leave men under sentence of re-conviction.

On 1st January 1855 there were 178 in the prison, and although the number on ticket of leave were increased during the half-year by 337, the numbers in prison were reduced to 128 on 30th June 1855, being a reduction of as about 6½ to 4½. From whatever cause arising, this cannot fail to be gratifying, and indeed the general small amount of crime has been very satisfactory.

I recently furnished your Excellency with a return of the whole number of men returned to the convict establishment, or sentenced within its walls, from 1st June 1850 to 3d October 1855, showing out of 3,707 convicts sent to the colony, 325 re-convictions for criminal offences of all kinds, including a large proportion of drunkenness, and 368 re-convictions for disciplinary offences, being a per-centage of 6·5679 per cent. of criminal and 7·3751 per cent. of disciplinary, or a total of 13·9430 per cent. per annum. No human means can prevent some men from relapsing into crime; a certain amount of crime there must be; but I think these actual results are very encouraging, and I scarcely think a less amount of offence could have been anticipated; certainly they will bear comparison with any results I have seen recorded elsewhere.

The superintendent has remarked on the propriety of extending a system of classification to the ticket-of-leave men, and holding out rewards for industry and good conduct, which, as I stated in a previous report, the shifting nature of this population, scattered over an enormous tract of country, renders almost impracticable.

I am, however, of opinion that some modification of the present ticket-of-leave system has become necessary, from the altered circumstances of the colony, and the alterations in the treatment of men on the public works which have been made by the Secretary of State from those originally promulgated by Earl Grey, and the objections to the support of ticket-of-leave men which have been urged by Her Majesty's Government.

In the first instance convicts were sent to this colony, the majority of them with their tickets of leave, with the distinct understanding on the part of the Home Government that there was not likely to be employment for them in private service, and it was consequently directed that they should be employed on public works, the full value of their labour at market prices being given them, and the cost was to be defrayed partly by the passage money which was exacted from all in proportion to their sentence, and the rest from imperial funds.

Gradually this was changed by the Secretary of State, and it has now grown into the system, as expressly stated by Sir John Pakington, that ticket-of-leave men who cannot get employment in private service are to be treated as paupers. They are now, therefore, only allowed the very smallest sum on which it is calculated they can supply themselves with necessaries. They cannot be worked on task work, for no task that was ever

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invented, when measured by money, will prevent men employed at every sort of labour from sometimes, and indeed very often, earning more than a fixed sum, and the effect on the men who are really anxious to get employment and cannot, and who are treated by the Government as paupers, is to make them discontented and listless. I have been and am surprised at the good order and industry which, under the present system, has characterised the men generally; but the system is clearly bad, and it affects men, especially fresh arrivals from England, very sensibly.

The original system propounded by Earl Grey was admirably adapted to the then condition of the Colony, and so long as it continued in force it worked well, with the drawback that the men could earn as much, and on task work often more, than in private service, the difficulty consequent on which gradually increased, and it is now obviously impossible to revert to that system; it is equally impossible to do justice to the men, or to follow up the care that is taken to improve them in prison under the present pauper system on distant road parties, especially where they have no opportunity of getting private service, and where they are really worse off than prisoners.

The great object is to diffuse the men as much as possible after their term of imprisonment is ended, and enable them to obtain employment, so that they may be no longer a burden to Government, keeping at the same time a watch over them, and placing them under certain restrictions during the second period of their probation.

I think that as long as payment of passage money continues to be enforced, a considerable number of men will be thrown on the hands of Government, not only for the maintenance and support, but for the very means of paying their passage money; many men could and would support themselves upon 6*l.* or 7*l.* a year who cannot get 11*l.* or 13*l.*, and they come on the Government; and it must remembered that the cost of a ticket-of-leave man, including rations, superintendence, clothing or allowance in lieu, passage money, medical attendance, &c. is not, at the present cost of provisions, &c., less than 30*l.* or 35*l.* a year, whereas the passage money is only 5*l.* a year; and though the passage money may cover the wages actually paid to men on the works, it does not in any way diminish the heavy burden of feeding, supervising, &c. the men thus left on the hands of Government.

So long as it was understood by the Home Government that a large number of men could not get employment, and were to be employed by Government, the matter was on a different footing; but now that they are merely treated as paupers, the case is altered.

The objection which has been urged by the colonists, and recently in strong terms, against this, is, that it amounts virtually to a tax on them for the men they employ, for in effect the wages of those who have passage money to pay are increased by employers to meet that payment; that with such a large deduction it is barely possible for men to support themselves, and that they are idle and discontented if they have less than other men to spend; the consequence is that it reacts on the Government, and the men are left on the public works.

There are also no means of enforcing this payment, except by revoking their tickets, when they cost the Government over 30*l.* per annum for the sake of getting 5*l.*

I think if passage money were abolished, and greater facilities given to the men to seek employment, that few if any men would remain on the hands of Government. Those who did remain I should propose to concentrate and employ at stations convenient for supervision from head quarters under strict discipline, and where no inducement would remain to them to continue on the hands of Government.

The issue of conditional pardons is another question which it is necessary to bring under your Excellency's notice. They are now withheld in all cases until the Governor is fully satisfied that men are likely to make good use of them; but I would strongly urge that the system now in force in England be adopted in this colony, and that conditional pardons or licences be liable to be revoked by the Governor for misbehaviour or misconduct, and that the holders of such licences or conditional pardons should be liable to summary jurisdiction during the period of their original and cumulative sentences of transportation or imprisonment.

I apprehend that in the authority conveyed to the Governor by the Secretary of State conveying Her Majesty's authority for the issue of licences or conditional pardons, it will be only requisite that Her Majesty's authority should be at the same time conveyed to revoke such licence or conditional pardon in the event of misconduct, &c.; and the holder of such licence would consequently be liable to forfeit the same for crime or misconduct, and to revert to the unexpired portion of his original sentence, in addition to his magisterial sentence.

This regulation, which is in force in England, would at once remove the grievance so loudly complained of, viz., that the colony is saddled with the expense of reconvicting conditional-pardon men, while the Home Government would incur no expense, as the cases would be summarily adjudicated on; it would give the authorities a power over the conditional-pardon men which is greatly needed, and I think the arrangement on every ground most advisable.

The question of sending convicts to the colony with tickets of leave has been already brought under consideration, and I continue to think it is on every ground advisable that all men should pass a certain time, not less than six months after landing, on the public works, and that men should not receive tickets of leave on landing.

The actual returns of the police since the commencement of the convict system prove that the probation passed in this colony has a beneficial effect on the men, and that when thus gradually released, instead of being turned adrift from on board ship, they are less prone to get into trouble.

The reconvictions among prisoners who have been on probation in the convict prison after landing are as follows:—

Number received as prisoners		2,047
Reconvictions		241
Reconvicted once	196	
,, twice	30	
,, thrice	13	
,, four times	2	

Reconvictions among prisoners of the Crown who have arrived with tickets of leave:—

Number		1,660
Reconvictions		306
Reconvicted once	237	
,, twice	54	
,, thrice	13	
,, four times	2	

The reconvictions being 11·7 per cent. of the former and 18·4 of the latter, while the double reconvictions were as 45 to 69, or 2·4 to 4·2.

Had there been immediate employment for these men on landing, I daresay the amount of crime would have been less, but from the difficulties they experienced in getting employment, and treated as they have been as paupers, much of this crime has resulted.

The abolition of the payment of men and the passage money would I think so materially reduce the number of men on the public works as to effect considerable reductions in the present amount of commissariat staff and clerical assistance, and in the heavy expense of maintaining ticket-of-leave men. Imperial funds would then have to support prisoners only who must be supported anywhere, and the emancipists would provide for themselves; and thus I think the Imperial expenditure for the maintenance of ticket-of-leave men, which has been often commented upon by Her Majesty's Government, will be in a great measure if not altogether obviated.

The various questions involved in these subjects have been brought under your Excellency's notice since your arrival; and I have carefully considered the suggestions of the changes which time and altered circumstances have rendered expedient to diminish the Imperial expenditure, to meet the views of the colony, and increase the benefits of transportation to the Home Government, to the colony, and to the convicts themselves.

The superintendent again refers to the punishment of men in chains. I fully agree with him, that except for prison offences this punishment is useless and aggravating, and ought to be abolished, except by special direction of the Governor. I consider flogging comes pretty near under the same category; and I fully and entirely agree with him in the demoralizing effects of very long or of indefinite periods of imprisonment. Some of the magisterial sentences in his report appear altogether disproportioned to the offence.

The question of the allowance of food to the prisoners has been a subject of discussion and experiment almost from the commencement, and has been a fertile source of discontent and misconduct among the prisoners, which the recent reduction has increased. The original scale being that allowed at Portland, and that now in force here is given below. It will be seen that in the material items of meat, bread, and vegetables the scale now in force here is very much lower, and that this should be a subject of discontent among men coming from England is not surprising. Whether it is a sufficient ration for men expected to do a full day's work, and confined many years in prison, remains to be proved.

The removal of the prisoners from the old hired buildings, which were low, and surrounded by a swamp, to the airy and well-ventilated new prison, which took place on 1st June last, is most beneficial in every way, both as regards discipline and health.

The surgeon's report is chiefly a recapitulation of his report of the preceding half year, and devoted to prove that all the ailments of the prisoners are similar, and all proceed from one cause, excessive and faulty diet.

The question has been a constant source of argument and discussion since Dr. Rennie was appointed surgeon of the Convict Hospital; it is argued now on purely medical grounds, on which I scarcely venture to offer an opinion; but I beg to call your Excellency's serious attention to the letter of the principal medical officer, which accompanies the surgeon's half yearly report, with whom, as far as my judgment goes, I fully concur.

There are two points which the surgeon has urged with considerable force, which a little consideration would have led him to modify, viz., that "an ample scale of dietary is "an essential element in the present system of moral control," and that "in fixing the "dietary of prisons in England too much weight is attached to the opinion of prisoners, "individual statements of prisoners themselves."

WESTERN AUSTRALIA.

There is no subject on which more careful, minute, and searching inquiry and experiment has been than the question of prison dietary in England, and the statements above quoted are unfair; in fact, in the whole course of the discussion every one but himself is unhesitatingly condemned, and every element of health or disease is put aside to support the one theory of diet.

As the surgeon's report and the principal medical officer's commentary embrace nearly the whole of this important subject, it would be well that some opinion thereon from a competent authority should be obtained before any further experiments are made on the prisoners here.

I should remark that the new scale was only in force thirty days, and that at the same time the prisoners were removed from a comparatively unhealthy to a healthy new prison. Thirty days, however, seems but a short time to justify so decided an opinion, and a much more extended observation is necessary to decide the important point of the effect of a limited diet on prisoners who are to be detained many years in prison.

The amount of saving stated in the surgeon's report is altogether exaggerated. The actual saving is at present prices *l.* on every 1,000 men, and not 3,000. The question, however, is not one of cost, but of the actual quantity of food required to keep men in prison in good health.

The question of a lunatic asylum has been discussed both by your Excellency and Governor Fitzgerald, but until the completion of the prison there are no means of proceeding with a building of that description.

The custody and treatment of the seven insane prisoners has occasioned some difficulty, as they cannot be sent to work or to exercise with the other prisoners, and until an asylum is provided the difficulty must be met from day to day.

I have great pleasure in bearing testimony to the zeal and intelligence with which Dr. Rennie has discharged his duties, to the performance of which he has devoted all his energies.

Two attempts at escape were made, one by a lunatic prisoner, the other by a party of seven men, who were all re-captured in a few hours.

The report of the superintendent enters fully into the well-working of the classification system now in force; and the reports of the Protestant and Roman Catholic chaplains enter fully into the details of their respective duties, which have been conscientiously performed, and they bear testimony to the general good behaviour of the men, and their anxiety to profit by their ministrations.

The questions again raised by the Roman Catholic chaplain regarding a chapel, library, chaplain's and schoolmaster's quarters, have already been submitted to the Secretary of State.

The Reports of Captain Wray, Lieutenant Du Cane, and Lieutenant Crossman, R.E., give clear details of the various public works executed during the half-year.

I have already had the satisfaction of reporting that the new prison was sufficiently advanced to allow of its being occupied by the prisoners on 1st June last, and I hope it will be entirely completed during the course of next year.

Some work has been done towards the improvement of the navigation of the river, which I hope more abundant labour will enable us to complete.

The jetty in South Bay has been discontinued, from want of funds. A great deal of work has been done on the roads in the eastern districts, which communicate with the most important agricultural districts, but the great length renders it difficult to satisfy all parties with only a limited amount of labour. They are, however, kept in very tolerable repair.

The greater part of the buildings required for the convict and commissariat services are complete, and considerable progress has been made with the pensioner villages at York and Toodyay.

Great progress has been made in opening, draining, and bridging the road from Perth to Albany, which has been a very heavy work, being nearly 300 miles long; and several roads and bridges have been opened in the Albany district.

I have pleasure in stating that many of the conditional-pardon men and ticket-of-leave holders have settled on land, or engaged in pursuits which will once more make them respectable members of society, while the general conduct of the convict population in the colony continues to be on the whole very satisfactory.

I have, &c.

Governor Kennedy, &c. &c.

(Signed E. Y. W. Henderson,
Comptroller General.

RATION SCALE in force at Portland Prison, England.

Breakfast.	Dinner.	Supper.
1 pint tea, $\frac{1}{6}$ oz. $\frac{3}{4}$ oz. sugar 2 oz. milk 12 oz. bread.	6 oz. cooked meat, without bone 1 pint soup 1 oz. barley 1 oz. rice or oatmeal 1 oz. onions or leeks 16 oz. potatoes 6 oz. bread.	1 pint gruel made from 2 oz. meal 2 oz. bread 3 oz. molasses per week.

Three times a week 1 pint cocoa ($\frac{3}{4}$ oz.) is issued in lieu of tea for breakfast. Three times a week the allowance of cooked meat is 5 oz. In lieu of dinner bread, suet puddings made with 5 oz. flour and $\frac{3}{4}$ oz. suet are periodically issued.

Prisoners in separate confinement, and not at constant hard labour, diet in bread and meat reduced one-fourth; if in separate confinement for idleness, they only get half the full diet.

RATION SCALE in force at the Convict Prison, Fremantle, Western Adelaide.

Breakfast.	Dinner.	Supper.
1 pint tea, $\frac{1}{6}$ oz. $\frac{3}{4}$ oz. sugar 10 oz. bread.	14 oz. uncooked meat, with bone 12 oz. uncooked potatoes 1 oz. rice or barley, and 1 pint soup twice a week 4 oz. bread.	1 pint tea, $\frac{1}{6}$ oz. $\frac{3}{4}$ oz. sugar 8 oz. bread 2 oz. molasses per diem.

Prisoners in separate confinement receive 18 oz. bread; 10 oz. uncooked meat, with bone.

SCHEDULE of RETURNS accompanying the Comptroller General's Half-yearly Report for the period ending June 30, 1855.

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E. Y. W. HENDERSON,
Comptroller General.

* These Returns being very voluminous are not printed.

WESTERN AUSTRALIA.

No. 1.

RETURN of the Number of Convicts that have arrived in the Colony between the 1st January and the 30th June 1855.

Ship.	Date of Arrival.	From whence.	Number by Assignment List.	Deaths on Passage.	Number landed.		Deaths since landing.	Number now in the Colony.	Remarks.
					Ticket-of-Leave Men.	Prisoners.			
Guide	6 Jan. 1855	Calcutta	6	Nil.	Nil.	6	Nil.	6	
Stag -	24 May „	England	225	Nil.	12	213	Nil.	225	

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENEERSON, Comptroller-General.

Registrar's Office, Fremantle,
1st July 1855.

No. 2.

No 2.

RETURN of the Number of Convicts and Ticket-of-Leave Holders in Western Australia on the 30th June 1855.

English Convicts on Public Works - - - -	384
Colonial do. do. - - - - -	12
Ticket-of-Leave Holders under Magisterial Sentence - -	139
Do. do. do. in Hospital Convict Establishment -	13
Do. do. do. on Public Works - - -	517
Do. do. do. in Private Service - - -	1,037
Total in the Colony on 30th June 1855 - -	2,102

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Comptroller-General.

Registrar's Office, Fremantle,
1st July 1855.

No. 3.

No. 3.

RETURN showing the general Distribution of 3,444 Convicts and Ticket-of-Leave Holders, for the Half Year ending 30th June 1855.

Prisoners.				Ticket-of-Leave Holders.												Disposed of.								
							Depôts.																	
English.	Colonial.	Re-convicted.	Total.	Private Service.	Hospital.	Colonial Gaols.	Mount Eliza.	Fresh Water Bay.	Guildford.	Toodyay.	York.	Bunbury.	Port Gregory.	Albany.	Albany Road Party.	Total.	Free by Servitude.	Conditional Pardons.	Free Pardons.	Escaped.	Missing.	Deaths on Passage.	Deaths on Ticket of Leave	Deaths on Probation.	Total.
384	12	128	524	1,037	13	11	73	16	158	34	66	41	40	52	28	1,578	11	1,170	8	5	3	41	79	25	1,342

RECAPITULATION.

Prisoners - - - - -	524
Ticket-of-Leave Holders - -	1,578
Disposed of - - - - -	1,342
Total - -	3,444

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Comptroller-General.

Registrar's Office, Fremantle,
1st July 1855.

No. 4.

ABSTRACT of Offences and Convictions in the Colony of Free and Ticket-of-Leave Men, comparatively, for the Half Year ending 30th June 1855.

Nature of Offence.	District.	Number of Persons brought before the Police.							
		Free.		Total.		Ticket-of-Leave.		Total.	
		Convicted.	Not convicted.	Convicted.	Not convicted.	Convicted.	Not convicted.	Convicted.	Not convicted.
Absconding	Fremantle	2	1			7	5		
"	Perth	1	1			8	1		
"	Toodyay	—	1			—	—		
"	York	—	—			5	—		
"	Wellington	2	1			5	—		
"	Albany	—	—			1	—		
"	Champion Bay	1	—	6	4	1	—	27	6
Assault (common)	Fremantle	24	3			18	3		
"	Perth	8	3			—	1		
"	Toodyay	10	2			1	—		
"	York	4	—			5	—		
"	Wellington	—	2			1	—		
"	Albany	7	3			—	—		
"	Swan	1	3	54	16	1	2	26	6
Burglary	Fremantle	2	10			4	9		
"	Champion Bay	1	—	3	10	—	—	4	9
Drunkenness	Fremantle	78	4			41	2		
"	Perth	37	8			41	—		
"	Toodyay	22	3			16	—		
"	York	6	—			18	—		
"	Wellington	10	—			28	2		
"	Albany	7	—			15	—		
"	Swan	12	3	172	18	30	—	189	4
Felony	Toodyay	1	3			3	1		
"	York	1	—			—	1		
"	Wellington	1	—	3	3	—	—	3	2
Forgery and uttering	Perth	—	—			2	—		
" "	Toodyay	—	—	—	—	1	2	3	2
Illegally at large being armed	York	—	—	—	—	3	—	3	—
Larceny	Perth	6	8			6	4		
"	Toodyay	—	—			5	2		
"	Wellington	—	—			1	1		
"	Swan	—	—	6	8	—	3	12	10
Misdemeanor	Perth	73	17			14	7		
"	Toodyay	2	1			—	—		
"	York	6	—			33	5		
"	Albany	8	—	89	18	9	—	56	12
Manslaughter	Toodyay	1	—	1	—	—	—	—	—
Murder	Perth	1	—			—	—		
"	York	—	—	1	—	1	—	1	—
Perjury	Perth	—	—	—	—	2	—	2	—
Rape	Swan	1	—	1	—	—	—	—	—
Robbery	Fremantle	1	4			—	4		
"	Toodyay	2	—			—	—		
"	York	6	—			12	2		
"	Wellington	1	1			1	2		
"	Albany	1	1			—	—		
"	Swan	—	1	11	7	7	4	20	12
Sheep stealing	York	—	—			1	—		
"	Albany	2	—	2	—	—	—	1	—
Stealing in dwelling	York	5	4	5	4	16	7	16	7
Not particularised	Fremantle	98	59			49	20		
"	Perth	—	1			34	10		
"	Toodyay	7	4			8	—		
"	Wellington	—	—			20	9		
"	Swan	8	6			16			
"	Champion Bay	—	—	113	70	2	—	129	47
	Total	- -	- -	467	158			492	117

Registrar's Office, Fremantle, 1 July 1855.

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Compt. Gen

WESTERN AUSTRALIA.

No. 5.

RETURN of the Number of Ticket-of-Leave Holders who have entered Private Service, showing the Average Rate of Wages obtained in each District, for the Half Year ending 30th June 1855.

District.	Number of Ticket-of-Leave Holders who have entered Private Service.	Average Rate of Wages per Annum.			Number whose Rate of Wages has not been notified including those working for themselves.
		£	s.	d.	
Fremantle	123	50	2	7	32
Perth	135	50	0	0	56
Toodyay	85	26	7	9	Nil
York	95	24	14	3	19
Champion Bay	63	33	6	4	18
Canning	26	25	1	3	5
Vasse	20	18	0	3	7
Bunbury	73	34	17	9	43
Albany	27	28	10	4	7
Swan	113	32	10	9	Nil
Murray	7	27	8	6	9

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Comptroller-General.

Registrar's Office, Fremantle,
1st July 1855.

No. 6.

RETURN showing the Number of Ticket-of-Leave Holders who have obtained Permission to marry, during the Half Year ending 30th June 1855.

Reg. No.	Name.	Ship.
44	Mathison, Alexander	"Scindian."
422	Bridge, John	"Pyrenees," 1.
496	Jackson, John	"Pyrenees," 1.
1,417	Henderson, George	"William Jardine."
1,542	Donovan, Michael	"Dudbrook."
2,299	Curtain, Timothy	"Robert Small."
2,411	Garvey, Patrick	"Phœbe Dunbar."
2,673	Maiers, Thomas	"Sea Park."
2,954	Cooke, Edward	"Ramillies."

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Comptroller-General.

Registrar's Office, Fremantle,
1st July 1855.

No. 7.

RETURN of the Number, Cause, and Date of Death of Ticket-of-Leave Holders in the Colony, for the Half Year ending 30th June 1855.

Reg. No.	Name.	Ship.	Nature of Disease.	Date of Death.	Remarks.
2,160	Lawlor, William	"Robert Small"	Accidentally	1 Jan. 1855	Injured by a horse.
2,717	Bennett, John	"Sea Park"	Drowned	4 Feb. "	
2,845	French, John	"Sea Park"	Spinal apoplexy	6 Feb. "	
2,420	Kelly, William	"Phœbe Dunbar"	By the visitation of God	18 March "	
2,548	Casey, Patrick	"Phœbe Dunbar"	Chronic suppuration of lungs	3 April "	
3,028	Shannon, Thomas	"Ramillies"	Chronic suppuration of lungs	4 April "	
1,287	Browin, John	"William Jardine"	Chronic disease of bowels	9 April "	
3,026	Parvis, John	"Ramillies"	Accidentally	12 April "	
1,075	Stanley, Samuel	"Marion"	Executed	18 April "	Murder of Katharine Daley.
2,699	Coulson, Matthew	"Sea Park"	Exposure to weather while labouring under delirium tremens	29 April "	
2,284	Connery, William	"Robert Small"	Phthisis	12 June "	

(Signed) M'BRYDE BROWN, Registrar.
E. Y. W. HENDERSON, Comptroller-General.

Registrar's Office, Fremantle,
1st July 1855.

No. 8.

RETURN of Applications for the Wives and Families of Ticket-of-Leave Holders and Prisoners to be sent out to Western Australia, for the Half Year ending 30th June 1855.

Reg. No.	Name.	Ship.	Wife's Maiden Name.	Number of Children.	Date of Ticket in the Colony.
1,008	Alexander Murray	"Marion"	Jane Gills	None	6 June 1853.
1,090	Robert Wilson	"Marion"	Elizabeth Lee	None	24 August 1853.
1,335	James Smith	"William Jardine"	Mary Ann Newdick	One	1 Nov. 1853.
2,085	James Sargent	"Robert Small"	Frances Bentley	One	22 July 1854.
2,553	Darby Murphy	"Phœbe Dunbar"	Ellen Foley	Two	20 March 1854.

(Signed) M'BRYDE, Registrar.
E. Y. W. HENDERSON, Comptroller-General.

Registrar's Office, Fremantle,
1st July 1855.

No. 9.

REPORT on the DISCIPLINE and MANAGEMENT of the CONVICT ESTABLISHMENT in WESTERN AUSTRALIA, by the SUPERINTENDENT.—Half Year ending 30th June 1855.

SIR, Superintendent's Office, Fremantle, July 10, 1855.

1. IN pursuance of Article 40 of the Rules and Regulations promulgated for the management of this establishment, I have the honour of "reporting" upon its transactions during the half year ending 30th June 1855, and of transmitting appended thereto a schedule of returns, supplying copious statistical data in illustration and elucidation. Schedule.

Conduct of Subordinate Officers.

2. In the order laid down by the article in question, I commence with saying that the "Conduct of the subordinate officers" during the period embraced by this "report" may be pronounced satisfactory.

3. If there may have been no very striking manifestation of intelligence and zeal among them, there have been no grave faults to report upon and condemn.

4. One of the radical errors in the system appears to me to be a non-offering of such a scale of emolument to disciplinary officers as will tempt men of intelligence and real interest in the work to assume the duty. As I remarked in a former "report," it is not "numbers" we so much require as intelligence, judgment, and a perception of what the age now demands in prison discipline. And in addition to its moral bearings, a small staff of well-paid officers, men of intelligence, some natural ability, and of really practical habits, would be infinitely preferable, in a fiscal or economical point of view; and thus the public would be gainers in a twofold sense.

Number and Disposal of Prisoners.

5. In relation to the "number of prisoners admitted into (my) custody, and their "disposal," I have the honour to direct your attention to the returns indicated in the margin, which will supply you with minute statistical information upon this question. It will be seen that there were 871 prisoners upon the establishment during the six months; a falling off upon the numbers of former half-years; and that Returns Nos. 2 and 5.

219 were discharged on tickets of leave,
112 „ by convalescence,
6 „ by death;

leaving a balance of 537 on this date.

6. I have much pleasure in calling attention to the interesting fact of there being a considerable declension in the number of ticket-of-leave holders under magisterial re-conviction. On the 1st January of the current year there were no less than 178 within the prison (see Return No. 5). On the 30th June there were but 128 (see the same). I took occasion, in my report of the 10th January 1855, to comment upon the growing number of re-convicted cases; and I certainly viewed the fact with something approaching alarm. It is very gratifying, therefore, to have to record, that while the additions to the body of prisoners of the Crown on ticket of leave in this colony have amounted to 337 during the half year, the number of reconvictions, and consequently the relative percentage of crime, actual and conventional, has suffered a diminution of as $6\cdot\frac{1138}{4777}$ to $4\cdot\frac{1138}{2867}$, which might fairly be taken as an indication of improvement in the moral tone of the general body. Nevertheless I cannot divest from myself the impression that an extension of our classification system to men on tickets of leave, whether it be done in the way suggested by my report of the 24th May 1854, or in any other, would work important effects, as regards the reduction of the number of reconvictions, and the cost involved by such re-convictions to the Home Government, and the necessitated circumspection and Return No. 5.

WESTERN AUSTRALIA.

good behaviour of the general body. The present system of probation on tickets of leave is at best but a negative one, as regards its influence over the conduct of the men. It does not foster the growth of healthy habits of thought and action; it does not comprise the principle of rewards for an active exercise of personal and social duties. It only provides punishments for breaches of them. I do not hesitate to say that that must be a defective system of reformatory discipline which does not include rewards as well as punishments; and that portion of our probationary system which comprises tickets of leave does not.

7. While upon this question I would beg to remark, that during the last six months I devoted particular attention to the reconvictions of ticket-of-leave holders, more especially to the matter of whether the reconvicted had been upon the probation out-stations, or whether they had not; I mean whether they had been upon the probation out-stations prior to receiving tickets of leave.

8. The result of my continued inquiries is, that by far the greater number had not been upon these out-stations, and this conclusion fully bears out my opinion that the preparatory training which such stations provide is a judicious intermediate discipline between the rigorous seclusion of the principal establishment and the comparative liberty of a ticket-of-leave depôt or a private service. It is now generally admitted that men who serve a colonial probation turn out better than those who arrive with tickets of leave. If we find, as we do, that the step between our probationary system at the chief establishment, Fremantle, and that on tickets of leave, is too wide, (judging by the statistics of reconvictions,) how much wider must it be between a probation at home prisons and a ticket of leave in the colonies? The relative difference of, as three convictions of the one class to one of the other, is a very significant answer to the query.

9. I trust that no more men, for the immediate receipt of their tickets of leave, will be sent out; but, that such a number of probationers (so called) will from time to time be drafted hither as to enable us, while consulting the exigencies of the public service, to keep up continually that portion of our probationary system which contemplates the latter portion of their time at an out-station. And with regard to the locality of such out-stations, I am decidedly of opinion it would be better, so soon as practicable, to have them as near head quarters as possible. Guildford may not be too far off, but Mount Eliza would be preferable; or perhaps, what would be better, Mount Eliza might be converted into a probation station. Its proximity to Perth, to my idea, is objectionable, as a ticket-of-leave station, in consequence of the facilities which such proximity provides for irregularities; but, for a probation station, wherein the discipline is severer, such objection would be untenable. To obviate any complaint of the non-existence of a hiring station in the immediate neighbourhood of the two principal towns, a monthly advertisement in the "Government Gazette," of the names and trades of men falling due for tickets of leave, in the course of the ensuing period, at the several probationary out-stations, would, I conceive, be sufficient. Facilities could be afforded for interviews with the men, at regulated hours, and engagements would be duly reported to head quarters, &c., &c.

Sentences, and how carried out.

10. In relation to the "manner in which sentences have been carried out," I feel that the minute details into which I was privileged to enter in former Reports relieve me from the necessity of saying more in this one, than that the enlightened views of the Home Government are faithfully regarded, and that nothing, as may be seen by the appended returns, is permitted but what would bear the strictest scrutiny. I feel also that the generally admitted success of our reformatory system, one which, not eschewing punishment as a requirement of justice, but making it subserve to reclamation, may be taken as bearing conclusive evidence upon the salutary and judicious manner in which the sentences upon the prisoners of the Crown transported to this Colony are carried out. I cannot, however, close this head of my Report without commenting upon the infliction of the penalty of chains in certain cases of reconviction before a magistrate. In my last Report, 10th January 1855, I had the honour of drawing attention to the fact, that no less than 78 men were kept, under magisterial sentence, in chains, during the period comprised in that Report; and some of the men so kept were sentenced to very long terms of imprisonment, as three years. I endeavoured to point out that chains supplied no additional security; a fact which I shall have to demonstrate when I come to report upon "Attempts at Escape." I essayed to show that they obstructed prospects of improvement, by the constant mental irritation they occasion, and the degradation they are supposed to imply, without furnishing any compensating advantages; and really I thought, and do still think, they are opposed to the principles obtaining current in England and to the views of all prison legists, and thinkers upon the subject,—Beccaria, Howard, Paley, &c., &c.

11. But at the same time I freely admit there may be cases within the prison, when, for outrageous insubordination, the putting on of handcuffs or of check-irons may be necessary, to restrain prisoners so offending, until reflection brought at least prudence. These, however, would be, and should be, rare and extreme cases; and the system of cells, now existing at the new prison, would afford means for checking and controlling the turbulent by the infliction of solitary confinement.

Treatment of Prisoners.

12. Respecting the "treatment of prisoners", the remark which prefaces paragraph 10 equally applies to this topic. The men are treated with humanity and forbearance; tyranny is not permitted; the well-disposed are encouraged and the licentious corrected; religious and secular knowledge receive due attention; cleanliness, order, and regularity are maintained; their health and comfort are properly regarded; but no tampering with the due execution of justice, no spurious sympathy with crime, is suffered, much less encouraged. It would be no reformatory system, if, while endeavouring to correct and improve and train the criminal, we did not strive to inspire in his mind an abhorrence of crime, not only from the transgression of all moral and social laws involved in it, but from the severe penal suffering consequent thereon.

Dietary.

13. Since my last half-yearly Report the scale of dietary for prisoners has formed the subject of inquiry by a medical board. While I am glad to bear witness to the laborious manner in which the members performed their duties, to their manifest desire to arrive at a just conclusion, and to the judiciousness of their recommendations generally, I yet regret to report the reduction of the ration of bread of from twenty-seven ounces to twenty-two ounces has seriously augmented the aggregate of prison crime, particularly in the article of "stealing bread from fellow prisoners." Although "theft" cannot pass unchallenged under any aspect or circumstance, still the impression that it is or was committed under the impulse of hunger half unarms justice. I really fear that I cannot dispel from my mind the idea that the present ration is too small. The experience of English prisons, as I had the honour of showing in some recent Reports, demonstrates that for men employed at hard labour on the public works twenty-seven ounces of bread is not more than is really required to maintain health, and that quantity is the regulated daily ration of bread with them. Here, as I have before stated, the ration is reduced to only twenty-two ounces.

14. It is an axiom in prison management, that prisoners require more food than persons in a condition of freedom, as much in order to support the system under the depressing influences of imprisonment as because prisoners cannot obtain those odd-and-end unrecorded comforts, and that variety of aliment, which go so far towards the preservation of health and vigour. I certainly should desire a re consideration of the present ration of bread and potatoes, and would urge an approximation to the Portland ration; viz., to 27 ounces of the one, and to 16 ounces of the other per man, per diem.

Species of Labour.

Return No. 1.
Return No. 3.
Return No. 4.

15. Touching the "species of labour on which they (the prisoners) have been employed," I have the honour of referring you to Returns Nos. 1, 3, 4, which give minute and general statistical information upon this point. It will be seen the product, or rather the value of the labour of the prisoners, as bestowed by them upon the public works, was, at the colonial market price, 9,107*l.* 8*s.* 11*d.* sterling. I need not add the work is tasked generally, as shown upon Return No. 3. The daily average of prisoners available for labour was as 376, during the 151 working days comprised in this half year; of sick, 43 (or 10′ 210°); total 419, gross average, vide Return No. 5. The regulated day's work may be taken as 9 hours throughout the year; and, as has been frequently reported, this is the maximum of labour which can be exacted in this climate, if due regard is to be paid to health.

Value of labour.
Return No. 3.
Daily average.
Return No. 5.
Number of hours constituting a day's work.

State and Condition of Buildings, Fences, &c.

16. In treating upon this head, viz., "state and condition of buildings, fences, &c.," I am happy in having to record our removal to the new and permanent prison on the 1st June. Although there is much to be done, and things may occupy a considerable time in assuming a completely finished condition, still we may now begin to count upon a better state of affairs than was practicable at the old prison, where, although the most unceasing attention was devoted to its cleanliness, order, and healthfulness, yet, from the fact of its temporary character, and not originally intended for the purpose to which it was appropriated, there were many things necessarily overlooked which otherwise would have received consideration.

17. However, as bearing upon the condition of the establishment, its management, transactions, &c., at the old and the new prisons, I would beg permission to append "extracts" from the Journal of the Board of Visiting Justices, and also from that of visitors to the prison,

Appendix A.
Appendix B.

18. Return No. 8 will exhibit the accommodation at our present disposal (30th June 1855) for the reception of prisoners. It will be seen that we can accommodate 1,087 men.

Return No. 8.
Accommodation.

19. Return No. 9 shows the present number of vacancies. Of course, as time progresses, that number will be augmented by the discharge of many prisoners on tickets of leave. The present vacancies are as 550. The completion of two association rooms in the north wing will provide additional accommodation for 196 men

Return No. 9.
Vacancies.

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Repairs or Alterations which may have been or are required.

20. On the subject of "repairs, &c.," I have the honour to remark, that insomuch as the several buildings forming the convict establishment are under the charge of a barrack master connected with the commisariat department, I am relieved perhaps from any very special business in the matter, although such charge usually and particularly belongs to the office of the governor or superintendent of a prison. Whether such divided responsibilities,—such multiplicity of departments,—do not complicate the business of this service, retard progress, and add to the cost of management, is a question which it may not be my business to discuss in this place.

Any Abuse or Abuses.

21. In relation to "any abuse or abuses which I have observed, or of which I may "have received intimation," I have to report that I am not conscious of anything requiring special comment, nor in point of fact of any occurrence in connexion with the establishment of sufficient gravity as an offence to merit the appellation of an abuse. I speak in reference to the half year under review.

22. There have been and will be cases of misconduct, some detected, others undetected, which (in the detected cases) the ordinary rules of the prison may deal with; but these affairs are rarely of sufficient consequence to demand special attention in a general Report.

Number of Escapes.

23. The question of "the number of escapes, or how many?" can be very quickly dismissed. There has been no single instance of an escape since the commencement of the establishment in June 1850, although we certainly have had the annoyance of several attempts. Two affairs of this kind occurred during this half year, but, as may be supposed, the fugitives were recaptured,—in four instances immediately afterwards, and in other four the following morning. So hopeless are the chances of success, that it is only an occasional individual, grown desperate, and careless of consequences by the dreary monotony of an apparently endless imprisonment, or some new comer, ignorant of the nature of the colony and country, and its complete isolation from the other colonies, or some lunatic or idiot, who makes the attempt.

24. For instance, the first occurrence of the kind this half year was on the night of the 26th February last, when an unfortunate man, long under detention for confirmed insanity, escaped from the hospital in his night gear. It was a marvel the poor wretch escaped the musket of the sentry under the walls, but perhaps the excessive cunning which is so peculiar a feature of some forms of insanity, or perhaps a more than usually dark night, served him in good stead. He proceeded to the residence of the officer of works, and made his appearance in that gentleman's kitchen, where his nude condition, and a personal knowledge of the man by one of the servants, quickly led to the unfortunate being returned to his old quarters. Of course the mental condition of the man precluded any attention being paid to this breach of discipline. This case may be taken as a type of one our classes of runaways.

25. The other attempt transpired at about 5 p.m. of the 14th March ult., when seven men, all belonging to the reconvicted party, all men with heavy sentences, and of whom two were fresh arrivals per "Ramillies,"—ran from the officer in charge of them, while upon the works. I must now, however, direct your attention to a noticeable fact; one to which I referred in an earlier portion of this Report (paragraph 10).

Of these men, all were in chains! and two of them in the so-called heavy irons!! Had these chains possessed the slightest value as preventatives to attempted escapes, the prisoners would not have gone off; but that they were of no earthly utility the event itself proved beyond power of contradiction; and these are not isolated instances. These runaways were recaptured, some the same evening and others the following morning, and were sentenced to severe corporal punishment; vide Returns Nos. 6 and 7. That these men were types of the other two classes I have enumerated will be evident from previous remark (namely their being new comers, and a reference to Appendix C.)

Return No. 6.
Return No. 7.
Appendix C.

General State of Prisoners as to Morals.

26. Respecting the "general state of prisoners, as to morals, &c." I am decidedly of opinion the preparative training they have had at the separate confinement prisons in England has been attended with beneficial effects. At this establishment, as at all the public works prisons in England, we do not contemplate more than testing the mental and moral instruction the prisoners have undergone at the separate-confinement prisons. Our peculiar vocation is, while testing the effects of moral training when in complete isolation, to foster the growth of habits of continuous industry, order, and subordination. Indeed, I really question whether we are qualified in this, or in any colony or dependence of Great Britain, to carry out intact a system of penal discipline in separate confinement as obtaining at Pentonville, Wakefield, Reading, and other prisons of the kind.

27. As I have remarked in previous Reports, we must form our opinion upon the general state of our prisoners' morals, &c. at the time being from a recollection of former education and habits, and also from a review of the moral condition of the lower classes in England. It would be manifestly unjust to take a high standard of moral excellence, by

which to measure men, who, in the majority of instances, have sprung from the dregs of society, and whose improved bearing and demeanour may be regarded as exotic, or at all events as but recently implanted. And it might be unjust perhaps, although I should not fear the comparison, to place our prisoners against the masses of the labouring classes in England, who possibly have not had to encounter the temptations, the privations, the accidents of circumstances, and the like, which so generally lead to crime.

28. I think the fairer way would be to consider what they were, and what they are.

29. Having had opportunities of knowing the general state, morally considered, of the average bulk of criminals at home, and comparing it with the moral "status" of those placed under, and who have been under, our superintendence, I am compelled, and most happy here to record the decided and striking improvement. I do not hesitate in saying that were the masses of prisoners who have been transported to this colony seen by an impartial person when congregated at the different country prisons, or even at Newgate or other London prisons, awaiting trial, or removal after conviction, the improvement would be considered scarcely less than astonishing.

Chaplain's Report.

30. I have the honour of transmitting you the Report of the chaplain, whose more special province it may be to treat upon this topic. It will be seen that, with the qualifications to which I refer, he speaks favourably of the moral progress of his charge. Their attention at school has been exemplary; indeed our punishment registers do not record a single instance of misconduct during the hours devoted to scholastic instruction. I am happy to add their demeanour at chapel is generally meritorious. A marked improvement has taken place in the applications for books from the prison library. This I attribute to the greater number of Protestant prisoners upon the establishment. Roman Catholic prisoners, according to our experience, do not avail themselves so largely of the privilege of having books for perusal from the prison library; perhaps, as may be concluded from the tenor of the Roman Catholic chaplain's report, in consequence of an implied objection by that gentleman.

Roman Catholic Chaplain's Report.

31. I have the honour of forwarding the Roman Catholic chaplain's Report, in which he speaks in satisfactory terms of the moral "status" of his portion of our prison population.

Discipline.

32. With regard to "their (the prisoners') observance of discipline," the commendatory remarks contained in the preceding paragraph reflect upon this with an equal power. The opinions conveyed in the "extracts" from the "Journals of the Visiting Justices," "Visitors" &c., to which I had the honour of addressing your attention at an earlier portion of this Report, supply additional evidence in favour of its satisfactory condition. We continue to persevere in that mild but firm system so frequently treated upon in other Reports.

Employment.

33. Their "employment" is shewn in "extenso," in Returns Nos. 1 and 3.

Return No. 1.
Return No. 3.

Proficiency in Trades.

35. Their "proficiency in trades," those to which the attention of the establishment is more particularly directed, and which are governed by the requirements of the public service, is, I believe, satisfactory; but this matter, under colonial usage, belongs to the Royal Engineers' department.

Observance of Rules.

35. Their relative "observance of rules" may be gathered from Returns Nos. 5. 6, and its addenda, and 7, which exhibit every deviation therefrom, and a variety of other tatistical data bearing upon this important department of my Report. It will be seen that the average rate of offences was, as 1′ 12° per diem; of individuals so offending, as ′773° per diem. The numbers of offenders were 124; of those not committing themselves in any overt manner, which we may fairly assume as an index of exemplary conduct, 747. 55 offences were committed by probation prisoners; 67 by re-convicted; and 2 by colonial convicts. Or, in another point of view, the relative centesimal proportion of prison crime was as $18\frac{40}{470}$ among probationers, $39\frac{643}{963}$ among re-convicted, and $27\frac{3}{11}$ among colonial prisoners. The per-centage of prisoners defaulting themselves was as $14\frac{206}{871}$; of offences among them, as $22\frac{138}{871}$.

Return No. 5.
Return No. 6.
Return No. 7.

36. Although there is a slight increase upon former averages, as thus—

37. Half year ending 31st December 1854,—offences, $16°\frac{364}{1177}$; offenders, $11°\frac{519}{1171}$.

38. Half year ending 30th June 1855,—offences, $22°\frac{138}{871}$; offenders, $14°\frac{206}{871}$, attributable, in my opinion, to the number of fresh arrivals,—I think we may affirm the general observance of the rules to be satisfactory.

39. Perhaps it would not be profitless to consult the reports of the Surveyor General of Prisons, 1851. The centesimal proportion of defaulters was as 29′945° at Portland; 30′ 870° at Dartmoor; while with us, who have more than one class of prisoners to manage, our per-centage during an unfortunate year was but as 14′ 206°.

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40. I regret having to record seven cases of corporal punishment (vide Return No. 7), and seriously hope, at no distant date, some substitute may be found for this demoralizing species of discipline. Continued observation only matures my conviction of the necessity for exercising the greatest discrimination in awarding so odious a punishment. In the vehement language of Paley, I fear that "such barbarous spectacles of human agony "have a tendency to harden and deprave the feelings;" or, as a later illustrious writer on "punishments and prisons," King Oscar of Sweden, expresses himself, "Flogging, which "attended with indelible dishonour, is perhaps less reasonable than capital punishment; "the latter destroys the physical being of the criminal; the former almost takes away the "possibility of his improvement. The right of punishment in the State, whose object by it "is to restore violated justice, and to warn and improve, has wandered so widely from its "original idea, that it degrades, renders the return from a course of crime almost impossible, "and leaves the choice of misery or the scaffold. How many examples of this, as grievous "to humanity as they are dangerous to the public safety, does our country afford? Is "there not thus formed a class of Parias, or moral outlaws, who are compelled to feel "themselves in a continued warfare with society."

Classification System.

41. The classification system continues its salutary operation. Now that its machinery begins to be better understood, particularly the improvements recorded in my Report of January last, the working begins to tell with even greater effect, and the chances of a break down in a just estimate of each prisoner's character is almost impossible. The "constable" portion of the system,—not the least important, and perhaps the most successful development of it,—demands special comment.

In detailing its induction (Half-yearly Report, dated 10th January 1854), I observed, "It was hoped to convert that which was primarily a source of difficulty into an oppor-"tunity for initiating a new, important, and efficient adjunct to our scheme of reforming "discipline."

42. "We accordingly selected a certain regulated proportion of well-trained and tried "first-class men to essay this experiment. The pernicious operation of the 'ganging' and "'sub-overseer' system of the southern colonies was carefully considered; and in framing "the rules for the guidance of these selected men, henceforth to be termed constables, "every contingency was minutely weighed and covenanted for. * * * * "The reformatory demands of our system have been studiously consulted, and, not only "in principle, but in detail, the plan is completely opposite to the so-much-reprobated "system of Van Diemen's Land.

"I will not extend this Report by an analysis of the contingencies we endeavoured to "provide for and control; suffice it to say, that all which experience could suggest was "digested and employed. * * * * The tendency of this plan is "to maintain discipline and order, induce labour, and raise the moral tone of every "prisoner."

43. The Rev. James Brown, M.A., the then chaplain, in his Report of that date, writes thus:—"The constable system * * * will have, I think, an excellent effect "upon the minds of the prisoners. The men who are chosen to the office are themselves "much improved by the consciousness of having a trust reposed in them. Their conduct "is marked by self-respect, &c."

44. The system was commenced in September 1853, and since then its success has been uniform and decided. Its moral influence has been most marked; the prisoners generally are much stimulated; there is a greater anxiety to keep free from "Reports," and to reach the coveted "Exemplary" class. "Nor are they left to the spur of a vague hope, as to the "general success attendant upon a reformed career in the world without, but they have "hourly before them some portion of that success realized." In this we have one grand portion of its moral power.

45. I sincerely hope, a system so essentially moral in its principle—in its details—and in its operation,—a system which does not set one prisoner over another for purposes practically evil, as the Van Diemen's Land plan did,—a system which does no more than recognize magisterially the influence springing from superior moral conduct,—a system which is an object of pride and ambition to the general body of our prisoners, and of which it has been said "not the least remarkable feature in the successful working of the "project is the harmony subsisting between the prisoner-constables and the men them-"selves,"—a system which has done so much good, and which has earned the commendation of the authorities of the colony, and of all who have witnessed its happy working,—I sincerely hope, I repeat, that nothing will be done to injure its principle or impair its action.

General Remarks.

46. In concluding this Report, and in accordance with that clause of the "article" which requires to me "to report upon any matter which in (my) opinion may have a tendency "to improve this branch of the public service," I would beg permission to revert to the question of the reconvicted portion of our prison population. I have commented upon the agreeable fact of the reduction this half year in the per-centage of reconvictions; but I had to allude to the circumstances of "attempts to escape" being in a large manner among those who had protracted terms of imprisonment to serve.

Little can be done for men who have many years of imprisonment to look forward to; one cheerless prospect they are ever listlessly gazing upon: one heavy weight crushes every energy; and the quenching of hopes leads to the rapid demoralization of character. In discussing plans of penal discipline, we should ever keep in mind that while administering correction, with the hope of deterring from the commission of crime, we must be careful to provide for the prisoner leaving the prison better, in a moral point of view—at all events not worse—than he entered it. My impression is, that lengthened imprisonment has the latter tendency, or, as I have expressed myself above, "it leads to the "rapid demoralization of character." Hence it is my firm conviction shorter terms of imprisonment generally, and in our reconvicted cases particularly, would be found more efficacious for every wise purpose, that is, for the deterring from crime, and the wholesome correction of the criminal, than the present colonial system. As I have stated in former reports, I am decidedly of opinion the per-centage of crime among Crown prisoners in this colony does not greatly exceed that ruling in non-penal settlements; and were the number of merely disciplinary offences deducted from the general aggregate, our "summa totallis" of reconvicted prisoners would be much—very much reduced. With this established fact before us, the even assumed necessity for excessive rigour in the allocation of punishments disappears. Crime thrives upon severe penalties! "The certainty of "punishment," writes a profound thinker upon the subject, Paley, "is of more importance "than the severity." "Let therefore fewer offences be punished than an active and "vigilant constabulary would dictate, or justice at first sight seem to demand. Let "everything be done to keep men out of prison, if the end can be answered without it. "Let aggravated crimes be promptly and severely dealt with, and the aggravations which "ought to guide the magistrate in the selection of objects for condign punishment are "principally repetition, cruelty, combination."

47. I would respectfully ask whether such punishments as fifteen months' imprisonment, with hard labour, for being out of district without a pass (Reg. No. 4),—as twelve months ditto for a like offence (Reg. No. 2,564),—as twelve months' ditto for drunkenness (Reg. No. 1,520),—as eight months' ditto for leaving hiring station without permission (Reg. No. 1,230),—as six months' ditto for disobedience of orders (several ticket-of-leave holders),—and as a multiplicity of others during the half year under report, are not, to say the least of it, disproportionate to the offences, and opposed to every principle of sound penal science. Might I add that such sentences have a tendency to foster the growth of that caste of Parias to which the King of Sweden in the quotation I have made from his celebrated work so forcibly refers.

48. As implied in previous remarks, it is now well understood by all jurists that extreme severity, instead of deterring from the commission of crime, tends to increase the magnitude and intensity of it; hence the ameliorations in the criminal codes of all civilized nations during the last forty years. From a like conviction I would strongly urge a serious attention to the propriety of more limited periods of sentence in our reconvicted cases.

For merely disciplinary offences, for offences infringing to no great extent public order, and for offences not involving the three qualities above enumerated, I would beg to suggest some such punishment as corrective imprisonment during the pleasure of his Excellency the Governor, or, as it is termed, a forfeiture of ticket of leave; and this, combined with the rigorous discipline governing the reconvicted prisoner, would be more in spirit with the principle of our system, seeing that the period of detention would be contingent upon improved moral conduct and industry.

49. I beg to offer for your acceptance expressions of my acknowledgments for your uniform and continued support.

50. The board of visiting justices and the visiting magistrate also demand my thanks for the great assistance they have rendered during the half year under review.

I have, &c.

The Hon. the Comptroller General, &c. &c.

(Signed) Thomas H. Dixon, Superintendent.

No. 1.

Sir, Chaplain's Office, Fremantle, July 10, 1855.

I have the honour of laying before you my half-yearly report, the period of which extends from February 1st (at which date I was appointed to discharge, pro tempore, the duties resigned by the Reverend James Brown, the chaplain) to June 30, 1855.

Number of Prisoners.

By the arrival on May 24th of H.M.C.S. "Stag," the total number of prisoners, which had sunk to 334, was raised to 509; of these 400 are Protestants, 108 Roman Catholics, and one a Jew.

Sunday Services.—Chapel.

The Sunday duties of the chaplain have been of a similar nature to those reported to you at the close of the preceding half year. I may conscientiously say of the prisoners demeanour during the celebration of Divine Worship, that it was superior to that of

many congregations of free people; and more I think may be said of the distinctness of their responses. Nevertheless (though in all probability I may not witness the realization) I dwell with pleasure on the thought that, perhaps before the expiration of twelve months from this date, the inmates of the new prison will assemble in its chapel, and be stimulated to more reverence of demeanour, and, I trust, of feeling also, by the consideration that they are worshipping in a building especially dedicated to His honour who alone can change the heart of man.

The Choir.

The performances of the choir, under the able and well-directed training of the chaplain's clerk, have been on the whole not unpleasing, nor their progress in improvement unsatisfactory, when due allowance is made for the frequent weakening of their strength and efficiency by the abstraction of some of the best hands, who have from time to time gone out on ticket of leave. I hope yet to listen, though it be with the ears but of a visitor, to the voices of these poor men, aided by the organ's tones, raising the choral hymn of praise. May they help to swell the hallelujah that will hereafter peal forth from the countless host surrounding the throne of the Lamb.

Ticket-of-leave Holders.

I have to report that out of thirty-eight Protestant probation prisoners who left during this period, not one has returned; of seventy-four reconvicted prisoners discharged during the same period on ticket of leave, seven have been sent back. My talented and pains-taking predecessor has so happily and copiously reported on the temptations, trials, and difficulties besetting the ticket-of-leave holder in this colony, that it would be doing a work of supererogation were I to enumerate and comment upon them; but circumstances of late occurrence induce me to remark that the magistrates of some of the country districts appear to deal very severely with these marked men. I know it to be the opinion of the kind-hearted but not the less faithful officer just alluded to, that repeatedly men have been sent back to undergo punishments of magnitude far exceeding that of the offence for which they were committed; and while reading the petitions of some for mitigation of sentence, and coming to the knowledge of facts connected with the committal of others, I could not but sympathize with his feeling on the subject.

Punishment by Flogging.

Cordially, too, do I echo the humane wish of the superintendent, that the punishment of flogging may be done away with, except perhaps in cases where the man is violent and must therefore be subdued for the time by bodily suffering. In cases of escape, would it not be better to flog only where the runaway has offered determined and dangerous resistance to the officers or policeman sent to capture him, or has been guilty of personal outrage towards the inmates of any dwelling he may have met with during his wanderings.

Good Effect of Removing Irons.

I beg, moreover, to express my ready concurrence with the superintendent's opinion regarding the propriety of discontinuing the use of irons, such use having been proved by experience to be productive of no result preventive or reformatory, but to be simply the fruitful source of irritation to the wearer. I believe no one knows better than the superintendent with how good effect irons may be knocked off from a body even of reputed incorrigibles.

Library.

A considerable addition has been made to the prison library during the period of this report, from the contents of some boxes sent towards the close of 1854 in the ship "Ramillies." But I am sorry to say that very little care has been apparently taken in the selection of them. Many were wholly unfit for distribution in a prison, or at a ticket-of-leave depôt, and most were bound so flimsily that they are likely to become wrecks after a few months' issue. I take the liberty of suggesting that it would be better, if practicable, to send them out, for the future, in strong, plain, uniform bindings, such, for instance, as that used for most of the books distributed by the Society for Promoting Christian Knowledge.

The School.

The school has been closed for the last six weeks, in consequence of the removal of the new prison. I am happy to be able to say that the schoolmasters have made no complaint of misbehaviour or inattention among the men. Appended to this Report are the usual schoolmaster's returns, one giving the attainments of prisoners in elementary knowledge, the other indicating their progressive improvement. I believe it may be said with truth, of many, that they do really appreciate the efforts made for their mental culture.

Deaths.

Three deaths took place in the hospital among the Protestants. I have subjoined the initials of each deceased, with registered number, description, and date of death.

Registered Number.	Initials.	Description.	Date of Death.
2,845	J. F.	Ticket-of-leave holder	February 16th.
1,287	J. B.	Ticket-of-leave holder	April 9th.
3,201	J. R.	Probation prisoner	May 6th.

It grieves me to be obliged to state that I cannot consider the deceased as having manifested on their death-beds those signs of repentance towards God and faith in our Lord Jesus Christ which cheer those who stand by them with a well-grounded hope of their salvation. But there is comfort in the consideration that in such cases God seeth very differently from man; He may have seen a disposition to repent and amend invisible to human observation.

The Sacrament of the Lord's Supper.

The sacrament of the Lord's Supper has been administered only once during the half year, in consequence of the confusion caused by removal to the new prison, and certain circumstances connected with it. The number of communicants is still small, nor, perhaps, is likely to increase, till the chapel be built.

Touching the religious condition of the prisoners, I venture not to give an opinion, inasmuch as certain hindrances to their religious improvement exist which I trust time and the bounty of the Imperial Government will remove.

Religious and Moral Condition of the Prisoners.

With respect to their moral condition the aspect is certainly pleasing. I gladly embrace this opportunity of acknowledging the apparently willing civility with which I have been treated by them. I have often, too, had occasion to admire their patient and orderly demeanour under circumstances which I could not but feel would, had I been exposed to them, tried me sorely enough. This is the more surprising when we consider how reckless and daring has been the conduct of many of these men when at large.

No doubt forced abstinence from intoxicating drink, together with religious and moral culture, full employment, regular hours, and discipline, early rising and methodical habits, powerfully contribute towards this altered state of things.

Apparent Effects of the Discipline of the Prison.

Putting aside instruction for a while, the mere daily routine must teach an indelible lesson to the prisoners, and show them what could be done as free persons if only reason were allowed to rule instead of passion. Here men discover that heavy labour can be accomplished without any stronger drink than water; that rising early may become as habitual as late. They here learn the comfort and economy of cleanliness, the value of regularity and order, the utility of discipline, and the true end of probationary existence. The prisoners, as a body, appreciate the value of the system, for they know what would be the consequence if the discipline were withdrawn even for a single day. They are well aware how the strong would oppress the weak, depriving him of his food and peace; the idle would throw all the burden of labour upon the industrious; the cruel and overbearing would oppress the timid; and the prison would become, indeed, a fearful place of disorder and punishment, rather than of correction blended with imprisonment.

Letters.

During the last half year 352 letters have been sent by Protestant prisoners; 98 received.

In conclusion I gratefully acknowledge the kind assistance I have received from the superintendent in the discharge of my duties, and the obliging consideration with which he has listened to my requests, whether in the prisoners' behalf or my own.

I have, &c.

WILLIAM MEARS, A.B.
Acting Chaplain.

The Hon. the Comptroller General,
&c. &c.

WESTERN AUSTRALIA.

RETURN showing the Proficiency in Elementary Instruction of Prisoners on the School Books.

Class of Prisoners.	Reading.				Writing.				Arithmetic.					General Knowlege.			Total on School Books.
	Good.	Tolerable.	Imperfect.	Not at all.	Good.	Tolerable.	Imperfect.	Not at all.	Higher Rules.	Compound Rules.	Multiplication.	Addition.	Not at all.	Considerable.	Some.	But little.	
Probation Protestants -	64	53	16	0	35	51	46	1	27	28	43	27	8	22	81	30	133
Do. Roman Catholics	19	12	11	0	9	17	16	0	6	9	9	10	8	5	24	13	42
Re-convicted Protestants - -	49	34	16	0	21	42	34	2	17	23	30	24	5	13	64	22	99
Do. Roman Catholics	13	10	11	0	5	10	19	0	4	6	5	12	7	4	17	13	34
Summary -	145	109	54	0	70	120	115	3	54	66	87	73	28	44	186	78	308

(Signed WILLIAM MEARS, A.B.
Acting Chaplain.

30th June 1855.

RETURN showing the Progressive Improvement of the Men attending School during the Half Year ending June 1855.

Subjects.	Probation Protestants.	Probation Roman Catholics.	Re-convicted.
Reading - - -	49	14	51
Writing - - -	64	16	59
Arithmetic - - -	52	11	36
Total - -	165	41	146

(Signed) WILLIAM MEARS, A.B.,
Acting Chaplain.

ROMAN CATHOLIC CHAPLAIN.

Roman Catholic Chaplain's Office,
Fremantle, July 1, 1855.

SIR,

I HAVE the honour to submit my half-yearly report, commencing the 1st of January last, on the duties in connexion with my office as Roman Catholic chaplain the establishment. In my last report I had the honour to submit to your kind consideration several important subjects relative to my duty, and tending to promote the moral, social, and intellectual improvement of the Roman Catholic prisoners who are and will be consigned to our care.

Number of Probation and Reconvicted Roman Catholic Prisoners.

I have had under my spiritual charge during the half year 214 prisoners, of which number 84 were reconvicted prisoners from the out-stations and from other employments but the greater number were remanded from the hiring depôts of the colony, and all mostly for minor offences; among them are two colonial prisoners. I always make it a point of duty to see prisoners on their arrival and return to the establishment, and having questioned them upon the good resolutions and industrious dispositions which appeared so conspicuous among them previous to their receiving their tickets of leave, and which was so satisfactory on their going out of prison. The general reply on these occasions is that their resolutions were then sincere, but that the temptations and difficulties were numerous. Invariably I have to regret a lack of religious fervour among the hard-labour party; however, they make up their minds for the best, and having completed the hard-labour sentence, proceed again to society with all the hope and resolution of being more successful.

Clerical Attendance at Out-Stations.

It would, in my opinion, prove a great advantage to the ticket-of-leave district should there be afforded better and more constant clerical attendance to the out-stations. The endeavour to send out from the establishment really good poor men, who, from long imprisonment, close discipline, and the moral influence of religion, have become good subjects for the colony, and as calculating as could be expected for their future prospects; and the fact is, on receiving their tickets of leave, they are sent off a considerable distance, and are obliged to remain on the airing depôts longer than they expected, and where they have to work hard, and seldom see a clergyman of their religion to break to them the bread of life. In a penal settlement, as this colony is, who can calculate the amount of public and private good which would follow from constant and close attendance of this nature? In the course of the last six months there have been ninety-two discharged on tickets of leave, according to the returns forwarded to me from time to time, of which number forty-nine were from the hard-labour party; and during the whole half year there were not more than thirty under slight punishment in the cells, of whom one received corporal punishment, for absconding from the works, conjoined to generally bad conduct.

Roman Catholic Prisoners ex Her Majesty's Ship "Stag."

It is really a pleasure to know how all these poor men are sensible of their positions, and how they console themselves by repentance for the past, and by faith and hope in the future. Of the forty-four probation prisoners which were added to my community per Her Majesty's convict ship "Stag," which arrived on the 25th May last, all appear to be good and steady men.

Roman Catholic Schools.

The next subject to which I beg to call your attention is the school. The value of this indulgence appears to be impressed upon the minds of the men. However, its full success depending more on the confidence of the prisoners in the schoolmaster than on the labour of the teacher to instruct them, my humble opinion is that a full success never will be obtained until a Roman Catholic teacher will be appointed for the Roman Catholic prisoners. The rules and customs of their religion require it, and until the indulgence is in accordance with them, never can be expected from the Roman Catholic prisoners that intenseness of application on which so much depends the improvement of their minds. In consequence of the late change from the old establishment to the new prison the schools were suspended. Their re-opening would afford a good opportunity of putting in accordance the indulgence with the feelings and religious exigencies of the Roman Catholic prisoners. I think it right, however, to add, that the regulations of the establishment provide against any interference with the religious principles of prisoners not belonging to the English Church, the religious instruction of Roman Catholic prisoners being left exclusively to their own particular chaplain.

Roman Catholic Library.

The library is the next in the order of importance, and a subject worthy of your favourable consideration; it is far below that which is necessary to supply the applications of the Catholic prisoners. The late increase of books, which I received in the month of April last, is not sufficient; and these books being for the most part Bibles and prayer books, will lead to believe that a Roman Catholic library consists only of Bibles and prayer books. Now prisoners are not so very good as to devote themselves every evening, during the time allowed for reading, to such pious exercises and study, and hence the necessity of other theological and historical works.

Issue of Books.

As each prisoner is about to be furnished with a separate cell is the best time for encouraging the practice of reading, this of all other means to forward and promote the moral and intellectual improvement of prisoners is one of the most successful. The number of books at present in the library does not exceed 267, and during the last half year there had been 750 issues, so that the Roman Catholic library of the establishment has been read three times over during the last six months. I had the honour of sending into the superintendent last year a list of useful and valuable books for the Roman Catholic prisoners.

The Holy Communion.

When prisoners apply to me for religious instruction, and are desirous to prepare to receive the holy communion, I make it a special point of duty to impress upon them the necessity of persevering in a good and virtuous life, as the best restitution for a misspent life; and when innocence of crime is at any time pleaded, they are recommended to make a virtue of all these disappointments, by enduring them with Christian patience. During the last half year there were 108 communicants.

Place for Celebration of Divine Worship.

I beg to call your attention, as I had the honour to do in my last half-year's report, to the great want of a proper place for the divine service, and for the exercise of clerical duties. I have given catechetical instruction to 55, who were allowed expressly to my office for this purpose.

WESTERN AUSTRALIA.

Recommending of Prisoners as Constables.

Prisoners frequently apply to me for the favour of recommending them to the notice of the superintendent, and when they are six months without complaint or reproof, I take a a note of such applications, and recommend deserving men to the kind consideration and notice of the superintendent. Such interest and attention is not without proper effect, and it encourages prisoners to a steady line of conduct. And I am happy to be able to observe, that the privilege of constables made from among the deserving probationers, and subordinately placed under the warders, serves as a stimulant to the observance of prison order, and is acknowledged and received as a reward of merit. I am satisfied, on informing you of the successful results which follow privileges of this character, and how it has for its object the improvement and encouragement of Her Majesty's prisoners to the practice of manly and respectable habits, would not only please but even be appreciated by every candid observer and well-wisher to the cause of criminal reform.

Official Residence of Roman Catholic Chaplain.

I would again beg permission to call your attention to the propriety of having an official residence contiguous to the new prison, for the accommodation of the Roman Catholic chaplain. Such an act of consideration would add materially to his usefulness, by enabling him to be nearly always present with his charge, and then more effectually control and direct their conduct into right courses, and then also facilitate their disciplinary management and ultimate reform. I trust I shall be acquitted of any personal consideration in this matter, beyond those emanating from a desire to contribute to my utmost towards the reclamation of the prisoners.

Quakers' Address.

I have always found the Roman Catholic prisoners and probationers grateful for any favour or indulgence granted to them whilst in the establishment, and especially for the privilege and consolation of religion, to which they are affectionately attached, at least in principle. On an occasion when two Quaker gentlemen of the Society of Friends, being on a visit to the colony, obtained, on application to the Governor of the colony, permission to address the prisoners of the establishment, the Protestants and Roman Catholics of the prison were alike present at the lecture, which turned out to be quite a religious affair, and being opposed to the rules and customs of the Roman Catholic church, inflicted therefore a religious grievance among the Catholic prisoners, and which is worthy of remark, having attended the Divine Service of the day (the 4th of March last, being Sunday), during the whole time of the lecture, which continued from 6.30 to 7.30 P.M., they conducted themselves in a manner which would have done credit to a more respectable audience. On the following day many of them requested from me an explanation of this proceeding. I replied that I was about to address a letter to the superintendent, and have the religious interference brought before the comptroller-general, and that his Excellency the Governor would hear how the address proved to be a religious sermon. This attendance, I must say, inflicted a general feeling among the Roman Catholics, not, indeed, from the subject of the gentlemen's discourse, but from the principle of their religion not tolerating any person, secular or ecclesiastical, to preach or deliver theological lectures, if not appointed and approved of by the Catholic church. The reply which I had the honour to receive from the superintendent, communicating the feelings of the Governor, and your own favourable opinion on the subject, was so satisfactory, that it is to be believed the like interference will not be repeated any more. Much praise is due to the deputy superintendent for the encouragement given to several of these poor men on receiving their tickets of leave, by locating them on small pieces of land; and I earnestly hope that this manner of encouraging deserving and industrious men will continue and increase in the colony.

Tickets of Leave.

The privilege of tickets of leave is a great encouragement to the probation prisoners. There happens to be one man a prisoner during the last fifteen years, but is now consoled by the hope of receiving his ticket-of-leave. Since he arrived in Western Australia I was happy to learn that on one of the Governor's visits to the establishment early in the month of May last, his Excellency was graciously pleased, on hearing of this man's long imprisonment, to remit the half of his probation time.

Sick.

The last, but not the least, interesting subject which I have the honour to introduce to your notice is the hospital, where I am almost daily in attendance; and during the last half year I had under my spiritual care 160 patients, and whilst under the doctor's charge were all disposed to receive religious attendance, and often expressed themselves grateful for this privilege and consolation. Among the above number are included many ticket-of-leave holders, who have been sent to the hospital for medical treatment from the out-stations

Deaths.

There have been three deaths during the half year, and having received the last rites of religion, were full of faith and hope in the mercy and goodness of the Almighty. Patrick Casey died of chronic lung disease, and Thomas Shannon died in the month of April of the same complaint, and Frederick Allen died of chronic bowel complaint on the 21st May. The resignation, patience, and piety of these poor men during their illness, and especially before death, is worthy of notice.

Conclusion.

The hospital brings the chaplains in close communication with the prisoners, and are able to perceive how suffering and reflection, kind treatment, and clerical attendance impress the mind with the value of religion, and a resolution never again to violate the laws of their country. Many of these poor men little thought in the course of life that a mishap of circumstances would have involved them in a breach of civil and religious order, and thereby separate themselves far from their families and native homes; and the feelings of many proclaim that time and distance fix family affections deeper in the heart.

I have, &c.,

(Signed) TIMOTHY DONOVAN, C. Chaplain.

APPENDIX "A."

Extracts from Minute Book of the Board of Visiting Justices.

January 5, 1855.—" The board record their high sense of the able manner in which the establishment has been conducted, under the superintendence of Mr. Dixon.

" This being the fourteenth visit to the establishment since the board was appointed by his Excellency, they have to remark, that during that period, with very few exceptions, they have had occasion only to notice the clean appearance and orderly good conduct of the prisoners; and, considering the means at the disposal of the superintendent, together with the temporary nature of the buildings, the high state of discipline in which the prisoners are reflects great credit to the superintendent and the officers of the establishment."

February 2, 1855.—" The re-convicted prisoners unanimously complained, as they had done previously, of the insufficiency of the ration; this was done by one of the prisoners in a respectful manner, for himself and fellow prisoners.

" Found the several departments clean and orderly.

" Inspected the chaplain's journal (the Rev. James Brown, M.A.) It is with great regret the board learns that the establishment is about to lose the valuable and efficient services of this gentleman, who, during his chaplaincy here, has gained for himself the esteem and confidence of both officers and prisoners."

March 5, 1855.—" Visited the several wards at dinner-time; inspected the prisoners' dinners, which were all good; prisoners appeared healthy. Inspected the warders on parade. No complaints."

April 11, 1855.—" Visited the several wards at dinner; the hospital, punishment cells, &c., &c. As usual, all was satisfactory. No complaints."

May 4, 1855.—" Visited the several divisions during dinner-time; provisions good, and no complaints preferred. The prisoners appeared healthy. Visited the punishment cells; only one man under punishment, but several cases of insanity. Examined journals of the superintendent and chaplain; in the former, found but four cases of punishment during the month, for slight prison offences. Inspected the warders on parade. No complaints."

June 1, 1855.—" Visited the new prison, to which the prisoners had been hurriedly removed only a few days previously, in consequence of measles having made its appearance among the men landed from the convict ship " Stag," on the 25th May last. The cells, association wards, bake-house, wash-house, and kitchen, although quite unfinished, were, upon the whole, in a much more advanced state than the board expected to see; and everything appeared to be carried on with the usual regularity and good order. No prisoners were in the punishment cells, except one named Raine, who has been for some months confined for safe custody, he having shown symptoms of insanity when first sent to the convict establishment, and, to all appearance, now having become a confirmed lunatic, the board feel that they cannot too strongly bring this before the notice of the comptroller-general, as, in their opinion, the melancholy state of the prisoner Raine is in a great measure owing to his confinement in cells altogether unsuited for such cases. This also applies to several other prisoners labouring under the same complaint."

" The board proceeded, accompanied by the superintendent, to the North Fremantle Depôt, to visit the prisoners lately landed from the " Stag." The board found the men clean and orderly. The prisoners, generally, preferred a complaint of the insufficiency of the ration issued for their use."

" The board examined the journals of the superintendent,—found four cases of punishment during the month."

" Inspected the warders on parade,—no complaints."

June 29, 1855.—" Visited the several wards during dinner time; provisionsof the best quality. In the ward occupied by the men from the last ship, the " Stag," those who had complained of the insufficiency of the ration on our last visit, when stationed at North Fremantle Depôt, made a complaint of the same nature, again, and unanimously; many averring that they could not do the work expected of them on such a short allowance, more particularly of bread; others that they were fast losing flesh and strength."

" On inspecting the punishment cells, the extreme want of ventilation, and consequent most offensive effluvia, was apparent to the board, and complained of by the inmates. These cells are also very damp, so much so as to render it necessary to have the bedding exposed to the open air every morning to dry. The want of ventilation is also, in the opinion of the board, much required in the association wards, which, in their present state, cannot be conducive to health."

WESTERN AUSTRALIA.

"Examined the journals of the superintendent. Found several cases recorded of punishments for slight prison offences; particularly of stealing bread from one another."

"The board have much pleasure in recording their opinion as to the continued maintenance of good order and discipline throughout the establishment, more than could be expected under the great inconvenience and difficulties attached to the late temporary as well as the present incomplete state of the new prison, which reflects great credit on the superintendent and the officers of the establishment."

(Certified copy) THOMAS W. DIXON,
Superintendent.

APPENDIX B.

Extracts from "Visitors' Book."

2*d January* 1855.—"Having this day visited the convict establishment with the visiting magistrate and Mr. Dixon, the superintendent, I could not but admire the general order and cleanliness visible throughout, and the excellent system on which the whole is carried on.

(Signed) "WM. BURGESS, J.P."

"I have now, with a few exceptions, been almost a daily visitor of this establishment for the last three years, and although occasional trouble has been given by some of the men, I am of opinion that the clean, orderly, and subordinate conduct observed throughout the prison is a matter reflecting the greatest credit upon the system of management, particularly when it is considered that it is merely a temporary prison, containing several classes of prisoners, and that there is great difficulty in obtaining subordinate officers at all experienced or instructed in their duties, and zealous in carrying out the views of the conductors of the establishment. I consider the system well adapted both to encourage the well-meaning and to deter the vicious, and I have no hesitation in stating that it is carried out strictly but impartially, and with kindness.

(Signed) "THOS. BROWN,
"Police Magistrate."

"I record my unqualified satisfaction with the efficient state of every department of this establishment, reflecting great credit upon the superintendent and officers thereof.

(Signed) "RICHD. M'B. BROWN,
"Government Resident."

3*d January* 1855.—"Visited the Fremantle Convict Establishment with the police magistrate and Mr. Dixon, and feel very much pleased with its regularity and cleanliness.

(Signed) "SAML. W. VIVEASH,
Government Resident, Swan."

20*th June* 1855.—"I have just visited the whole of the prison; the arrangements and order therein; and although I have seen the greater number of the prisons in England, and those in Van Diemen's Land and Norfolk Island, and have had an opportunity of knowing thoroughly the whole system of the latter, considered the most perfect for the class of people so detained, yet I cannot help thinking that I have not witnessed such regularity, order, discipline, and cleanliness as are evident in this establishment, which must be conducted by a person who has studied human nature well in all its phases,—its amelioration and reformation.

"I particularly remarked 180 men, but a short time arrived ex "Stag" convict ship.

"Had I not known to the contrary, I should have imagined, from their high order and regularity, that it would have taken months to effect such a result.

(Signed) "JOSEPH CALDWELL,
"Surgeon, R.N.
"Superintendent 'Stag' convict ship."

30*th June* 1855.—"My official connection with the chief establishment at Fremantle has frequently called upon me to minute my impressions relative to its management, &c., &c. The recent removal of the general body of healthy prisoners from the old prison to the new may (considering the season, viz., the end of the half-year) demand some notice at my hands.

"The progress made towards putting the new prison into order is most marked, and the general bearing and discipline of the prisoners merits a favourable report. Considering the hurried manner in which the prisoners were necessarily removed, great praise is due to the officers of the establishment, and to the prisoners also, for the striking order and decorum observed.

"The superintendent has drawn my attention to the fact of there being a slight increase in the numerical proportion of prison offences to prisoners, during the just expiring half year. I concur with him in the opinion that this may be attributed to the influx of a number of fresh prisoners, who generally give some little trouble at first, in consequence. perhaps, of the relaxed discipline entailed by a sea voyage, &c., and further, to the dissatisfaction generated by an experiment in the dietary of the prison. The offences, however, were generally of a very trivial nature, such, perhaps, as only the strictest regard to discipline would take cognizance of. Taking a review of the discipline and management of the establishment for the last six months, I am decidedly of opinion

they appear to be in the highest condition, bidding fair to realize the hopes of the Legislature in the deterring from crime and in the reformation of the criminal. I am, however, aware that unrelaxed zeal on the part of the officers is absolutely necessary towards obtaining this desired result.

(Signed) "Thos. Brown,
"Visiting Magistrate."

"As Government Resident of this district, I have much pleasure in recording my unqualified approbation of the measures employed for the preservation of order and discipline during the unavoidable hurry of the removal of the prisoners from the old to the new prison, in consequence of the manifestation of measles among the newly-arrived men per "Stag" convict ship. Although the utmost speed was necessary, and employed, there was not the slightest indication of disorder nor relaxed discipline; and it certainly speaks well for the training of the men. Since the occupation of the new prison, I have had occasion to visit it two or three times officially; and I am happy to bear testimony to the good order of every department, and to the high state of discipline throughout the establishment. These appear the more meritorious when we consider the condition of the prison on taking possession, the short time which has since elapsed, and the present cleanly and orderly appearance of everything around.

"(Signed) Rd. McB. Brown,
"Government Resident, Fremantle."

Certified Copy.
Thomas W. Dixon, Superintendent.

Appendix C.

Register.	Name.	Date of Original Sentence.	Sentence.	Date of Re-conviction.	Sentence.	Additions for Misconduct in Prison.	Additions consequent on absconding.		Total unexpired Term of Sentence.			General Remarks.
			Years.				Yrs.	Mos.	Yrs.	Mos.	Days.	
1319	W. A.	7 April 1851	10	22 Feb. 1854	3 yrs.	2 mos. $\frac{1}{30}$	3	2	12	4	22	By an order of Governor Fitzgerald, prisoners who abscond are held ineligible for tickets of leave at any period, and are consequently required to serve out the full term of original sentence, and also all accumulations thereto, resulting from misconduct of any description. L.'s original sentence expired the 11th January, 1855; he is still a prisoner in the Establishment.
1088	J. C.	6 Jan. 1851	10	22 Feb. 1854	3 yrs.	11 days	0	2	9	0	2	
1479	J. D.	11 Mar. 1851	10	13 May 1854	3 yrs.	—	0	2	9	1	27	
3063	A. B.	22 Oct. 1849	10	4 Dec. 1854	9 mos.	21 days	0	2	5	6	28	
1318	E. M. N.	11 April 1851	10	22 Feb. 1854	3 yrs.	54 days	0	2	9	4	20	
2357	S. L.	11 Jan. 1848	7	25 Sept. 1854	1 yr.	7 days	0	2	1	6	3	
3177	G. B.	10 May 1852	Life	25 Sept. 1854	8 mos.	21 days	0	2	19	0	19	
							"Life" being assumed at 21 years.					

Thomas H. Dixon, Superintendent.

Superintendent's Office, Fremantle, July 10, 1855.

Schedule of Returns in illustration of the Superintendent of Convicts' Half-yearly Report, dated as above.

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The Honourable the Comptroller General,
&c. &c. &c.

Thomas H. Dixon,
Superintendent.

RETURN No. 1, showing the Distribution of the Labour of Prisoners upon the above Establishment on the 30th June 1855.

Depot.	Parties.	Effectives.																									Non-effectives.					Total.	General Remarks.
		Quarrymen.	Masons.	Carpenters.	Smiths.	Sawyers.	Lime Burners.	Wood Cutters.	Well Sinkers.	Commissariat.	Ferrymen.	Tailors.	Shoemakers.	Laundrymen.	Cooks.	Bakers.	Carters and Grooms.	Labourers.	Water Carriers.	Prison Orderlies.	Writers.	Storemen.	Hospital Men.	At Rottnest.	Light Work.	In Separation.	School.	Sick.	Excused Work.	Convalescents.	Under Punishment.		
	Nos.																																
Chief Establishment, Fremantle.	1, 2, 3,	84	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	179	—	—	—	—	—	—	—	—	—	—	—	—	—	263	
	4, 5, 6,	—	17	15	22	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	54	
	7,	—	—	—	—	17	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	17	
	8, 9,	—	—	—	—	—	12	4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	16	
	10,	—	—	—	—	—	—	—	4	6	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	13	
	11, 12, 13, 14,	—	—	—	—	—	—	—	—	—	—	14	8	14	11	7	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	54	
	15,	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	12	—	2	—	—	—	—	—	—	—	—	—	—	—	—	14	
	16,	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	33	4	3	5	—	12	—	—	—	—	—	—	57	
Branches :—		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—	2	0	35	5	0	3	49	
North Fremantle.																																	At present occupied as hiring stations.
Freshwater Bay.		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Guildford and its out-stations.																																	
	Total -	84	17	15	22	17	12	4	4	6	3	14	8	14	11	7	12	179	2	33	4	3	5	4	12	2	0	35	5	0	3	537	

(Signed) THOMAS H. DIXON,
Superintendent.

RETURN No. 2, showing Data relative to Colonial Prisoners received during the Half Year ending 30th June 1855.

Register.	Name.	Convicted.		Offence.	Sentence	Remarks.
		When.	Where.		Years.	
3209	Thos. Rixon -	3 Jan. 1855	Perth, W. A.	Forgery - -	Life	
3210	R. Grundy -	,,	,,	Do. - - -	7	
3211	D. Jones - -	,,	,,	Horse stealing -	15	
3218	W. Richards -	5 July 1854	,,	Arson - - -	Life	
3219	W. Beatty -	4 April 1854	,,	Forgery and uttering	7	

THOMAS H. DIXON,
Superintendent.

Superintendent's Office, Fremantle,
10th July 1855.

RETURN No. 3, showing an Abstract of the Labour upon which the Prisoners on the above Establishment were employed during the Half Year ending 30th June 1855, with its relative Money Value at the Colonial Rate, and other Data connected therewith.

Trades.	Number of Days.	Description of Employment.	Amount of Work performed when it can be shown.	Amount of Work required per Man per Diem.	Excess.	Deficit.	Rate.	Money Value at Colonial Rate.	Remarks.
		CHIEF ESTABLISHMENT, FREMANTLE.						£ s. d.	
Carpenters -	1,154 7/9	Employed in the carpenters' and joiners' work required for the under-mentioned buildings in progress of erection;—new prison, entrance buildings, and superintendents' quarters, kitchen, eighteen separate cells, incidental repairs to permanent buildings, hired prison, workshops, framing punishment boxes for out-stations;—making and repairing barrack and office furniture, repairing waggons, trucks, carts, wheel and hand barrows, mortar hods, attending sawing machine, turning, &c., &c., &c. -	- -	A fair day's work	- -	- -	6s. per diem -	346 8 8	
Masons - -	1,407	Employed cutting stone, and building walls, new prison, &c., &c., &c. - - - - - - - -	- -	Idem -	- -	- -	6s. „ -	422 4 0	
Sawyers - -	3,191 1/9	Sawing mahogany timber (logs and flitches) into boards, beams, scantling, &c., required in the erection of the above work, &c., &c., &c. - - - - - - - -	104,600 sup.	30 sup. - -	3 1/3 - -	- -	6s. „ -	957 6 8	
Smiths - -	2,530 1/9	Making iron work required for the above works; repairing, steeling, and sharpening masons', quarrymen, and labourers' tools; making nails, lamps, lamp brackets, bolts, nuts, washers, pivots, hinges, brads, spikes; making and repairing locks, keys, chains; grinding and cutting files; repairing tin ware; making crucibles; repairing shop tools, &c., &c., &c. - - - - -	- -	A fair day's work	- -	- -	6s. „ -	759 0 8	
Painters - -	142	Priming and painting wood work of new prison, kitchen, and entrance buildings, and superintendents' quarters; punishment boxes; glazing sashes; making putty; grinding colours; cleaning and repairing shop tools; assisting sapper, plumber, &c., &c. -	- -	Idem -	- -	- -	6s. „ -	42 12 0	
Limeburners -	238	Collecting, breaking, and burning limestone; cutting wood for kiln, &c., &c. - - - - - - -	1,302 bush. 57 loads	7 1/2 bush. - 2 loads -	16/100 bush. -	1/2 load -	3s. „ -	35 14 0	
Ferrymen - -	27 8/9	Charge of the boat and flat at the North Fremantle Ferry -	- -	A fair day's work	- -	- -	3s. „ -	4 3 8	
Quarrymen - -	14,403	Quarrying stone at new prison quarries - - - -	- -	Idem -	- -	- -	3s. „ -	2,160 9 0	

RETURN No. 3, showing an Abstract of the Labour upon which the Prisoners on the above Establishment were employed during the Half Year ending 30th June 1855, with its relative Money Value, at the Colonial Rate, and other data connected therewith—*continued.*

Trades.	Number of Days.	Description of Employment.	Amount of Work performed when it can be shown.	Amount of Work required per Man per Diem.	Excess.	Deficit.	Rate.	Money Value at Colonial Rate.	Remarks.
		CHIEF ESTABLISHMENT, FREMANTLE—*cont.*						£ s. d.	
Labourers - -	9,797 $\frac{2}{9}$	Employed attending masons, plasterers, carpenters, sawyers, and smiths; making mortar; running putty; burning charcoal; raising water; attending waggons; laying sleepers and rails on tramroads; stacking timber; wheeling and clearing away rubbish; loading trucks; preparing site for north wing of new prison; levelling and forming parade ground in front of south wing, new prison,—also of esplanade; breaking stones for macadamising roads, &c., &c., &c. - - - - - -	- -	A fair day's work	- -	- -	3*s.* per diem -	1,469 13 0	
Commissariat -	3,107 $\frac{3}{9}$	Labouring at commissariat stores; driving commissariat horses; carting stone, lime, mortar, bricks, water, timber, and other materials; drawing waggons, trucks, &c., &c., &c. - -	- -	Idem -	- -	- -	3*s.* „ -	466 2 0	
Woodcutters -	410 $\frac{3}{9}$	Felling and cutting timber - - - - -	- -	Idem	- -	- -	3*s.* „ -	61 11 0	
Prison work -	5,696 $\frac{1}{9}$	Writers; preparing drafts for lithographic press; storemen, cleaners, barbers, lamplighters, school-orderlies, constables, and hospital attendants, &c. - - - - - -	- -	Idem -	- -	- -	3*s.* „ -	851 8 4	
Tailors - -	1,701 $\frac{3}{9}$	Making and repairing prison clothing, bedding, hammocks, &c., &c.	- -	Idem -	- -	- -	3*s.* „ -	255 4 0	
Shoemakers -	907 $\frac{6}{9}$	Making and repairing shoes, harness, belts, &c., &c., &c. - -	- -	Idem -	- -	- -	3*s.* „ -	136 3 0	
Cooks - -	1,231 $\frac{4}{9}$	Assisting warder cook in kitchen - - - -	- -	Idem -	- -	- -	3*s.* „ -	184 14 4	
Bakers - -	625 $\frac{5}{9}$	Assisting warder baker in bakery - - - - -	- -	Idem -	- -	- -	3*s.* „ -	93 16 8	
Laundrymen -	1,509 $\frac{7}{9}$	Washing clothing, bedding, &c., &c., in laundries - -	- -	Idem -	- -	- -	3*s.* „ -	226 7 8	
Separation cells -	1,715 $\frac{1}{9}$	Tailoring, shoemaking, mending, &c. - - - -	- -	Idem -	- -	- -	2*s.* „	171 10 3	

RETURN No. 3, showing an Abstract of the Labour upon which the Prisoners on the above Establishment now employed during the Half Year ending 30th June 1855, with its relative Money Value at the Colonial Rate, and other data connected therewith—*continued.*

Trades.	Number of Days.	Description of Employment.	Amount of Work performed when it can be shown.	Amount of Work required per Man per Diem.	Excess.	Deficit.	Rate.	Money Value at Colonial Rate.	Remarks.
								£ s. d.	
		CHIEF ESTABLISHMENT, FREMANTLE—*cont.*							
School - -	1,739$\frac{3}{9}$	Instruction in reading, writing, arithmetic, &c., &c. - -	- -	- -	- -	- -	- -	- -	No school during the latter nine (9) weeks.
Sick in hospital -	4,926$\frac{4}{9}$	Confined to bed in infirmary - - - - - - -	Non-effectives -						
Convalescents -	564$\frac{1}{9}$	Under medical treatment, insane, recovering, &c. - -		- -	- -	- -	- -	- -	43′ 103° daily average; or, 10$\frac{110}{419}$ °/o.
Invalids - -	1,105$\frac{8}{9}$	Idem but capable of light employment -							
Under punishment	674$\frac{8}{9}$	In cells for breaches of prison regulations - - -	- -	- -	- -	- -	- -	- -	Daily average loss, in days, 4′ 70°.
		NORTH FREMANTLE BRANCH,							
Masons - -	46$\frac{5}{9}$	Building assistant superintendent's house - - -	- -	A fair day's work	- -	- -	3*s.* per diem -	13 19 4	
Labourers - -	2,310$\frac{5}{9}$	Repairing Perth roads - - - - - - -	- -	Idem -	- -	- -	3*s.* „ -	345 1 8	
Cooks - -	64	Preparing rations for station - - - - - -	- -	Idem -	- -	- -	3*s.* „ -	9 12 0	
Orderlies - -	92	Cleaning divisions, lamps, &c., &c., &c. - - - -	- -	Idem -	- -	- -	3*s.* „ -	13 16 0	
Idem - -	14	Constables, &c. - - - - - - - -	- -	Idem -	- -	- -	3*s.* „ -	2 2 0	
Idem - -	28	Barbers, water carriers, light work, &c. - - - -	- -	Idem -	- -	- -	3*s.* „ -	4 4 0	
Woodcutters -	104	Cutting firewood, &c., &c. - - - - - -	- -	Idem -	- -	- -	3*s.* , -	15 12 0	
		ROTTNESS ISLAND OUT-STATION.							
Labourers - -	371	Agriculture: on account of Commissariat - - -	- -	Idem -	- -	- -	3*s.* „ -	55 13 0	
				Aggregate money value of labour, at the colonial market price -				£9,107 8 11	

Superintendent's Office, Fremantle, 10th July 1855.

THOMAS H. DIXON, Superintendent.

RETURN No. 4, showing the Distribution of Officers and Prisoners on the 30th June 1855.

Stations.	Officers.														Prisoners.								Total.
	Superintendent.	Chaplain.	R. Catholic Chaplain.	Surgeon.	Deputy Superintendent.	Steward.	Clerks.	Schoolmasters.	Chief Warder.	Principal Warders.	Warders.	Assistant Warders.	Probation Warders.	Messenger.	In Separation.	On the Works.	In Hospital.	Convalescents.	Excused Work.	At School.	Under Punishment.	At Rottnest.	
Chief Establishment, Fremantle. New and Old Prisons.	1	1	1	1	1	1	6	2	1	2	8	30	15	1	2	488	35	0	5	0	3	4	537
Branches:— North Fremantle Fresh Water Bay Guildford -	"	At present occupied as hiring stations.																					

(Signed) THOMAS W. DIXON,
Superintendent.

Superintendent's Office, Fremantle,
10th July 1855.

RETURN No. 5, showing Statistical Data relative to Prisoners during the Half Year ending 30th June 1855.

On the Establishment, 1st Jan. 1855.				Received during the Half Year.					Total Number.	Monthly Declaration.		Average.	Greatest Number at a given Date.	Smallest Number at a given Date.	Number of Offences.	Rate per Diem according to Offences.	Rate per Diem according to Individuals	Daily Average of Sick.	Discharged during the Half Year.		
Probation.	Re-convicted.	Colonial.	Ticket-of-Leave Holders in Hospital.	Probation.	Re-convicted.	Colonial.	Ticket-of-Leave Holders for Medical Treatment.	Ticket-of-Leave Holders waiting "Transport."		Month.	Number.								By Ticket of Leave.	By Death.	By convalescent Ticket-of-Leave Holders.
				Per "Stag," 225 Per "Guide," 6						Jan. 1	431								Probation - 81 Re-convicted - 131 Colonial - 1	Probation - 2 Re-convicted - 1 Ticket of Leave - 3	
										Feb. 1	403										
										March 1	379										
										April 1	374										
										May 1	352										
239	178	8	6	231	85	5	121	0	871	June 1	575	419	May 30 575	May 25 335	193	1′ 12°	′ 773°	43′ 103° or $10\frac{110}{419}$ per cent.	219	6	112
									747	without offence		- -	- -	- -	Of Offenders 124						

Present strength, 30th June 1855 :—Probation prisoners, 384 ; Re-convicted, 128 ; Colonial, 12 ; Ticket-of-Leave invalids, 13 = 537 of all classes.

(Signed) THOMAS W. DIXON,
Superintendent.

RETURN No. 6, showing the Offences and Punishments, with other Data, for the Six Months ending 30th June 1855.

Total Number of Prisoners during the Half Year.	Daily Average during the Half Year.	Number and Description of Offences during the Half Year.	Number and Description of Punishments awarded by Superintendent.	Number and Description of Punishments awarded by Visiting Magistrate.
871	419	193	144	49
		8 Quarrelling.	8 Bread and water, and loss of class.	
		22 Having prohibited articles.	22 Bread and water, loss of class, and admonished.	
		14 Insolence.	14 Idem.	
		19 Idleness on works.	18 Idem.	1 Bread and water.
		7 Disrespectful conduct.	7 Idem.	
		5 Inattention at prayers.	5 Loss of class.	
		32 Disobedience of orders.	38 Bread and water, loss of class, and admonished.	
		5 Absence from prayers.	5 Loss of class.	
		31 Disorderly conduct.	2 Bread and water.	29 Loss of class, and bread and water.
		1 Stealing tobacco from fellow prisoner.	1 Bread and water.	
		3 Destroying prison property.	2 Admonished, and bread and water.	1 Bread and water.
		3 Intoxication.	2 Loss of class.	1 Three months additional imprisonment.
		6 Stealing bread.	6 Bread and water, and solitary confinement.	
		5 Fighting.	1 Admonished, and bread and water.	4 Bread and water.
		2 Obscene language.	2 Idem.	
		3 Threatening language.		3 Bread and water.
		2 Falsehood, and insolence to Visiting Justices.		2 Bread and water.
		1 Insubordination.		1 Bread and water.
		7 Absconding.		7 Corporal punishments, and bread and water.
		2 Preferring frivolous charges.	2 Admonished, and bread and water.	
		9 Minor offences.	9 Admonished, and bread and water, and loss of class.	
		193 Offences, by	144	49
		124 Offenders.		

NUMBER OF INDIVIDUALS REPORTED.

Probationary	55
Re-convicted	67
Colonial	2

ANALYSIS OF THE SAME.

	Prob.	Re-con.	Col.
Reported once	39	41	1
„ twice	8	18	1
„ thrice	3	5	–
„ four times	4	2	–
„ five times	1	1	–

RECAPITULATION.

Prisoners reported once	–	81	–
„ twice	–	27	–
„ thrice	–	8	–
„ four times	–	6	–
„ five times	–	2	–

RELATIVE PER-CENTAGE.

Probation prisoners	18'40° or $18\frac{40}{470}$ per cent.
Re-convicted	39'243° or $39\frac{243}{500}$ „
Colonial	27'3° or $27\frac{3}{11}$ „
Per-centage of offences in the aggregate	22'138° or $22\frac{138}{500}$ „
Ditto Prisoners reported	14'206° or $14\frac{206}{511}$ „

Number of prisoners not reported 747, against, as previously stated, 124 defaulters.

THOMAS H. DIXON, Superintendent.

TABULATION of foregoing Offences.

Offences.	Punishments awarded by Superintendent.										By Visiting Magistrate.								Total.	General Remarks.
	Admonished.	Loss of class only.	Bread and Water in Cells.							Solitary Confinement.	Loss of class only.	Bread and Water in Cells.					Corporal Punishment.	Three months additional.		
			Days. 1	Days. 2	Days. 3	Days. 4	Days. 5	Days. 6	Days. 7			Days. 3	Days. 7	Days. 10	Days. 14	Days. 21				
Quarrelling	—	2	1	1	3	—			1	—	—	—	—	—	—	—	—	—	8	
Having prohibited articles	2	11	4	2	3	—			—	—	—	—	—	—	—	—	—	—	22	
Insolence	1	5	—	2	5	—			1	—	—	—	—	—	—	—	—	—	14	
Idleness on the works	1	5	1	10	1	—			—	—	—	—	1	—	—	—	—	—	19	
Disrespectful conduct	1	1	3	2	—	—			—	—	—	—	—	—	—	—	—	—	7	
Disobedience of orders	8	6	8	8	7	—			1	—	—	—	—	—	—	—	—	—	38	
Inattention at prayers	—	5	—	—	—	—			—	—	—	—	—	—	—	—	—	—	5	
Absence from prayers without leave	—	5	—	—	—	—			—	—	—	—	—	—	—	—	—	—	5	
Disorderly conduct	—	—	—	2	—	—			—	—	11	1	14	—	—	3	—	—	31	
Stealing tobacco from fellow prisoners	—	—	—	—	1	—			—	—	—	—	—	—	—	—	—	—	1	
Destroying prison property	1	—	—	1	—	—			—	—	—	—	—	—	—	1	—	—	3	and be charged with the amount of injury.
Under the influence of intoxicating liquor	—	2	—	—	—	—			—	—	—	—	—	—	—	—	—	1	3	
Stealing bread	—	—	—	1	1	1			2	1	—	—	—	—	—	—	—	—	6	
Fighting	—	—	—	—	1	—			—	—	—	—	4	—	—	—	—	—	5	
Obscene language	1	—	—	—	—	1			—	—	—	—	—	—	—	—	—	—	2	
Threatening language	—	—	—	—	—	—			—	—	—	—	—	2	1	—	—	—	3	
Falsehood, and insolence to Visiting Justices	—	—	—	—	—	—			—	—	—	—	1	—	—	1	—	—	2	
Insubordination	—	—	—	—	—	—			—	—	—	—	—	1	—	—	—	—	1	
Absconding	—	—	—	—	—	—			—	—	—	—	—	—	—	—	7	—	7	
Preferring frivolous charges	1	—	—	—	1	—			—	—	—	—	—	—	—	—	—	—	2	
Minor offences	1	3	2	1	1	1			—	—	—	—	—	—	—	—	—	—	9	
Total	17	45	19	30	24	3			5	1	11	1	20	3	1	5	7	1	193	

Total punishments inflicted by Superintendent, 144; by Visiting Magistrate, 49=193.

THOMAS H. DICKSON, Superintendent.

RETURN No. 7, showing the Corporal Punishments ordered and inflicted in the above Establishment during the Half Year ending 30th June 1855.

Reg.	Name.	Age.	Probation, Re-convicted, or Colonial Prisoner.	When ordered.	Number of Lashes ordered.	Number of Lashes inflicted.	When inflicted.	Offence, and General Remarks upon Offender's Character, &c.
1319	William Anderson - -	36	Re-convicted.	13th March 1855.	100	100	15th March 1855.	Absconding from works, and assaulting an officer. Character very bad; frequent reports; violent, and generally insubordinate.
1088	James Cornish - -	28	Idem.	Same date.	100	100	Same date.	Absconding from works. Character very bad; frequent reports, and generally insubordinate.
1479	Job Davis - -	23	Idem.	Same date.	100	100	Same date.	Absconding from works. } The characters of these men generally exceedingly bad; frequently reported and punished, and apparently insensible to all means of control but those shown on this Return.
3063	Alfred Bailey - -	22	Idem.	Same date.	100	100	Same date.	Absconding from works.
1388	Edward M'Namara -	21	Idem.	Same date.	100	100	Same date.	Absconding from works.
2357	Stephen Lacey - -	21	Idem.	Same date.	100	100	Same date.	Absconding from works.
3177	George Bain - -	15	Idem.	Same date.	100	100	Same date.	Absconding from works.
								Memorandum.—These seven men decamped together on the date shown.

THOMAS H. DIXON,
Superintendent.

WESTERN AUSTRALIA.

RETURN No. 8, showing the Extent of Prison Accommodation.

Station.	Accommodation.	Whether separate or associate.	General Remarks.
Chief Establishment :			
New Prison :			
No. 1 Division - -	96	Association.	
No. 2 „ - -	100	„	
No. 3 „ - -	244	Separation.	Cells.
No. 4 „ - -	176	Association.	
Refractory and Reception -	18	Separation.	Cells.
Old Prison :			
Hospital - - -	53	Association.	Invalids, insane, convalescents, &c., &c. : The old prison retained at present as an hospital may be converted into a receiving depôt, or a temporary branch of the principal establishment, in the event of emergency.
Branch, North Fremantle :			
No. 1 Division - -	80	„	
No. 2 „ - -	40	„	
Branch, Freshwater Bay :			
No. 1 Division - -	80	„	
Branch, Guildford :			
No. 1 Division - - -	64	„	
Sub-Branches - -	136	„	At Toodyay Green Mount, York Green Mount, and Bendoon.
Total amount of accommodation for	1,087	- - -	Prisoners of all classes.

THOMAS H. DIXON,
Superintendent.

RETURN No. 9, showing the Vacancies on the 30th of June 1855.

Chief Establishment, Fremantle :			
	New Prison - - - - -	132	
	Old Prison - - - - -	18	
Branch,	North Fremantle - - - - -	120	At present occupied as hiring stations.
	Freshwater Bay - - - -	80	
	Guildford - - - - -	200	
	Total number of vacancies - -	550	

THOMAS H. DIXON,
Superintendent.

Superintendent's Office, Fremantle,
July 10, 1855.

No. 10.

OBSERVATIONS of the Principal Medical Officer on the Surgeon's Half-yearly Report for the Period ending 30th June 1855.

SIR, Principal Medical Office, Perth, November 12, 1855.

Page 199.

I HAVE the honour to transmit to you the report of the surgeon of the Convict Establishment for the half year ending 30th June last, on which I beg leave to offer some observations.

The greater part of this report is devoted to a recapitulation of the theories set forth at such length in the report for the previous half year, and of the arguments advanced in support of them. These theories are,—1. That much sickness has existed among the prisoners owing to their diet having been faulty, chiefly in excess of quantity; 2. That the three most prevalent diseases from which they have suffered, viz., affections of the bowels, skin, and eyes, are mere local varieties of the same constitutional affection; and 3. That this constitutional disease is essentially one of morbid digestion.

From its practical bearing on the important question of the dieting of the prisoners, the first of these opinions most deserves a careful consideration. To me the theory appears to be entirely fallacious, as I shall attempt to show by examining the various arguments which Dr. Rennie has advanced to prove it.

1. It is stated that prisoners who had been some time re-convicted, and, consequently, habituated to a lower scale of diet than the probation prisoners, enjoyed much the best health.

Now, although a similar statement was made in the report of the surgeon for the half year ending 30th June 1854, in the report intermediate between that and the present one,

he admitted that between that date and the end of the year the re-convicted had not enjoyed better health than the probation prisoners. A comparison of the numbers of each class admitted into hospital with the average strength of each shows that the surgeon is not warranted in repeating the assertion as regards the half year now under discussion. Of re-convicted prisoners 192 were admitted into hospital, with an average daily strength of 144 in confinement in the establishment; of the probation class, only 160 were admitted, with an average daily strength of 247; showing that in proportion to the numbers of each class among the re-convicted men, the cases of disease requiring hospital treatment were double those occurring among the probation prisoners.

It is also inferred in the present report that the sawyers and blacksmiths who were in the receipt of an extra ration of bread and meat have displayed the greatest predisposition to disease. The board of medical officers which in May last was assembled to consider the scale of diet issued to the prisoners in the establishment, and to inquire into the surgeon's opinions in reference thereto, were unable to obtain any evidence in proof of the assertion that the blacksmiths and sawyers were more unhealthy than the other classes of convicts. The surgeon, when examined by them, stated that such was his "impression," but that he was unable to give any statistical details in support of it.

In estimating the health of the prisoners in the establishment during the past half year, a deduction of nearly one fourth requires to be made from admissions into hospital, 113 ticket-of-leave men having been treated there, received either from the hiring depôts or from private employ.

2. Another supposed proof of disease having arisen from overfeeding is stated, that probation prisoners placed on low diet rapidly improved in general health; that medicine, without a considerable reduction of diet, exercised little or no permanent influence over their ailments; and that after every species of treatment had failed in arresting dysentery, cutaneous diseases, and ophthalmia, especially the latter, a moderate and properly regulated diet, with a sufficiency of vegetable acid, rapidly effected a cure.

Regulation of diet, and, in most cases, a reduction of it below the quantity used in health, are valuable generally essential aids in the treatment of disease, both in themselves and by favouring the action of medicines; but this does not go to prove that the diseased condition has arisen from any errors in diet. No medical practitioner, for instance, would attempt to treat dysentery, which in many instances is known to be induced by malarious causes, without a most careful attention to the quantity and nature of the nutriment allowed to the patient.

3. That the want of vegetable acid was proved by the temporary improvement that resulted from the free use of lime juice, even without reduction of diet.

This refers to the quality, not the quantity of the diet. The effects of an insufficient admixture of fresh vegetable food in diet, in inducing an unhealthy state of the system, are well recognized. There is no sufficient proof that the convicts suffered in this respect, although formerly vegetables could not always be procured for them in sufficient quantity to meet the requirements of a regular daily issue. The demand having stimulated agriculturists to increased production, less difficulty is being gradually found in obtaining an adequate supply.

4. That a comparison of the diet with that which is considered necessary for a labourer in England is sufficient to prove how much the diet is in excess of what is either requisite or safe.

Allusion is here made to Dr. Carpenter's estimate of thirty-six ounces of dry aliment for a young active adult. The opinions of physiologists are of course to be received with due attention, but not to the entirely setting aside a consideration of the habits and experience of unscientific persons, who have not been left by nature entirely dependent on scientific investigations for a knowledge of how much nourishment is necessary to maintain their frames in a state of working health. I think it can scarcely be denied that labourers generally in England earning ordinarily adequate wages usually much exceed the limits assigned by Dr. Carpenter, and that an allowance of food beyond his estimate is quite safe—it might be presumptuous, after citing his authority, to say necessary—for men engaged in active bodily labour, such as is required from the general body of the prisoners. In towns and manufacturing districts at home, the alcoholic and fermented liquors so freely used by the working classes, and to which the prisoner is of course debarred access, replace to a great extent more legitimate articles of diet, which would otherwise be required; nor are agricultural labourers generally more sparing in the use of beer, the nutritious qualities of which are by Englishmen extensively acknowledged.

5. That this (supposed) excess is supplied in a climate where the chemical demands of the system for food are much less than in the colder climate of England. Too much importance seems to me to be here attributed to the difference of climate. During great part of the summer months in this part of Western Australia, the climate is peculiarly temperate; and except during the extreme heats, which are of comparatively infrequent occurrence, and do not continue for more than three or four days together; whatever animal chemistry may say, our own sensations inform us that we both look for and enjoy substantial meals scarcely less than during the colder season, when, to say the least, we experience no inconvenience from living exactly as in the colder climate of England. In hot climates smaller quantities of animal food are required to supply the combustion of the tissues; but at the same time it must be borne in mind that the natives

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of these climates almost invariably make use of a vegetable diet remarkable for its bulk. Among the many advantages held out as inducements to the emigrant to Australia, no one has ventured to promise him a climate where he will require less food than in his native land; and certainly when he does settle here he is in the habit of using a diet which at home would be considered almost extravagant, both in quantity and quality. Yet this is not found to have any detrimental effect on his health, for the general salubrity of the Australian colonies has long been acknowledged. The daily ration of a shepherd in this colony is no less than 2 lbs. each of flour and fresh meat.

6. That the extraordinary prevalence of constipation was a strong proof of the diet far exceeding the systemic demand for food. Of constipation, the tables prefixed to the report show seven cases admitted into hospital; one regularly and 248 casually treated out of hospital. In a good many cases a very obstinate state of the bowels existed, which I would attribute mainly to the depression of the vital powers which I believe to be the general result of long confinement in prison, and I believe that in this class of men constipation would be found to exist more or less with a much lower scale of diet than that which was in use before the late alteration. I admit also that the bread and rice in that scale seemed to me to be in excess, and likely to have favoured this tendency to constipation. As to men casually treated for constipation, every medical officer of regimental experience knows that almost every morning "Sick Report" presents two or three candidates at the hospital for a purgative dose. Among prisoners vicious habits, which no amount of vigilance can thoroughly repress, are known to be too prevalent; of such practices constipation is a common effect.

7. That the diseases prevalent among the prisoners were almost entirely unknown among the troops and population of Fremantle. My own experience of medical practice in Western Australia, extending over a period of upwards of five years, does not allow me to admit that the diseases from which the prisoners suffered are unknown among the population of the colony; on the contrary, ophthalmia and dysentery are among the most common endemic diseases. The affections of the skin treated among the prisoners were, with few exceptions, not of such a nature as would have induced persons in private life to apply for medical aid. Among the troops in Perth a few cases of skin disease fully as severe as any treated among the prisoners have come under notice. Dysentery during the summer months is a well-known disease among the inhabitants. The same holds good of ophthalmia, cases of which indeed occur at all seasons. I have had very lately three private patients with serious attacks of this disease, two of them still under treatment. As to their habits of living, one has been intemperate, and another a free liver in respect of stimulants; the third is predisposed to the disease by having suffered severely from it at home. In none of them is there any reason to suppose any excesses in dieting. Two of them, indeed, are in such humble circumstances as to preclude suspicion of their indulging their appetites beyond what the wants of nature demand. At this present time, too, there is in the hospital at Mount Eliza Depôt a ticket-of-leave holder, whose case is I think a type of the graver form of ophthalmia seen among the prisoners in the establishment. This man, who admits that he indulged freely in the use of ardent spirits previously to his conviction, and whose appearance indicates a constitution impaired by that or some other deteriorating influence, had, previous to his arrival in this colony about a year ago, been several years in confinement, both in England and Gibraltar. He was only three weeks in the convict establishment, and about four weeks in depôt at Mount Eliza, when he went into private employ, supporting himself by brickmaking, sawing, &c. He was attacked with ophthalmia about four and a half months ago, and has since then been three times taken into hospital for it, the recurrence of the disease being attributable to the dissipated habits to which he returns on leaving the hospital. In this case the prison diet cannot be charged as the cause of the disease, the man having been in receipt of it for so short a time, and having enjoyed good health for years previous to his present attack.

8. That the Sappers and Miners, exposed to all the exciting causes of disease that the prisoners were, enjoyed perfect immunity from cutaneous diseases, ophthalmia, and dysentery, their general health being excellent.

Although the immunity in this respect has been nearly complete, little can be drawn from this, seeing no fair comparison holds between two classes of men so differently situated in almost every respect, moral and physical, as the Sappers and prisoners.

9. Allusion is made likewise in the Report to the healthiness of the Enrolled Pensioners; but in this I see nothing in favour of the surgeon's views. In the first place, the selection of recruits is grounded on the health and physical conformation of the candidates for enlistment. Then it is an obvious deduction that the Enrolled Pensioners must be men of particularly tough constitutions to have, for periods of 20 years and upwards, withstood the wear and tear of different climates, under which most of their less robust comrades have sank. Again, it is well known to medical officers that a very small amount of incapacity is sufficient to insure the recommendation of a medical board, in the case of a soldier who has "put in" his 21 years of service. Lastly, the Enrolled Pensioners sent out to this and other colonies are selected after further medical inspection.

The diet of the soldiers stationed in Perth exceeds in the quantity of bread and meat that which was issued to the prisoners, but with a smaller proportion of vegetables, and is very similar in regard to the mode of cooking to that formerly adopted in the convict establishment, yet these men enjoy good health, showing that some other cause than diet is

to be looked for to account for the prisoners being more subject to disease. This, as I have stated on a former occasion, I consider to be some climatic cause, whether atmospheric, magnetic, or telluric, medical science is as yet not sufficiently advanced to discover, acting on men whose constitutions are disposed to disease by previous irregularities of life and prison confinement. If the habits and other elements of the previous life of the prisoners be taken into account, it might be predicated, a priori, that they would be more subject to disease than the inhabitants of any country in which they happen to be located.

Having thus reviewed the arguments adduced by the surgeon to prove his theory, and stated the several objections to which they seem to be open, I am led to the conclusion that, in attributing disease among the prisoners to overfeeding, he has selected a purely imaginary cause.

With respect to the theories, that the three principal forms of disease which prevailed among the convicts are mere local varieties of the same constitutional affection, that the constitutional disease is one of morbid digestion, and that it is a mixture of the gouty and scrofulous diathesis, I cannot help characterizing them as mere unproved assumptions. Without entering into any detailed examination of questions so purely professional, it may be sufficient to observe that the mixture of gout and scrofula referred to seems to me to be highly improbable, believing that recent analyses of the blood tend to prove that in these two diseases its constitution is essentially different.

Passing on to a consideration of the reduction of the diet, which has taken place since the 1st of June, on the recommendation of the medical board which was convened to consider the question, it is stated that the consequence has been a great change for the better in the sanitary condition of the prisoners. Taking, however, a wider view of the subject, and looking, not merely at the condition of the prisoners within the establishment and in the ticket-of-leave depôts, but also at the state of the public health during the last three or four months, I find that, as regards the latter, a very marked difference exists as compared with the previous twelve months, when disease was rife, and fatal cases of too frequent occurrence, in all ranks of society. At present, and for some time past, the amount of disease among the general population has been notably small; and after a period of upwards of four years, during which the boasted healthiness of Western Australia threatened to become a matter of tradition, the public health is again in accordance with that which maintained for the twenty years of the existence of the colony previous to 1851, and which deservedly earned for it so high a character for salubrity of climate. I find also that the military quarterly returns of sick show, from 1st of January 1854 to 30th June last, an average of 40 admissions in each quarter, while for the three months ending 30th September last, 13 sick only have been admitted. I believe that to the unseen and wide-spread cause which has induced this favourable change is mainly to be attributed the improved health of the prisoners, and that this, following on the adoption of the reduced scale of diet, is a mere coincidence of time, *post hoc*, but not *propter hoc*. It must further be borne in mind that four days before the new scale came into operation a great change was made in the location of the prisoners, by their being removed to the new prison, which, both as regards the building and its elevated situation, favourably contrasts with the more confined accommodation and low locality of the old establishment I feel assured that this change has had much to do with an improved state of their health, and that it is a matter of most reasonable doubt whether this state is in any degree attributable to the reduction of diet which came into force on the 1st June.

Exception is taken in the report to the opinions expressed in their proceedings by the medical board already referred to. These objections have been pretty fully met in considering the arguments in favour of the theory of overfeeding.

The board found that that theory was not borne out by facts, but at the same time they considered the scale of diet then issued to the probation prisoners more than was requisite for maintaining them in health, and therefore recommended the present reduced scale. Without expressing an opinion as to whether the cause is moral, physical, or both, the board agreed in adopting the generally received opinion that long imprisonment has a deteriorating effect on the constitution; an opinion which observation and experience everywhere confirm. As it is not only in the present day, nor in English prisons alone, that men in confinement have suffered in this respect, it is surely most illogical to infer, as the Report does, that the predisposition to disease among the prisoners is "the result "of the large diet which has become an essential element in the system of moral control."

To the declamatory passage in which the comfortable condition of the prisoner is contrasted with the toilsome life of the free labourer, it is scarcely necessary to observe, that labour and anxiety, if not in excess,—and in this colony, where industry in the most humble sphere of life reaps a sure reward, an over-anxious life of unceasing toil is at least uncalled for,—have been wisely allotted to man as necessary stimulants for calling forth the healthy discharge of the functions both of mind and body, and that not even the convict can regard any amount of personal comforts as a compensation for want of liberty, putting out of view the fact of these comforts being associated with a certain amount of compulsory labour.

In estimating the saving effected by the late reduction of diet, the report errs in stating that it has had the effect of reducing the number of ticket-of-leave men in depôt. These men, dissatisfied with the ration of food issued to them, purchase with their earnings so much extra bread as, at least at Mount Eliza and Guildford depôts, quite makes up for the

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reduction in that article of their diet; another proof also that excess of diet had no effect in producing bad health among them. I am informed that if any measure has stimulated the ticket-of-leave men to increase their exertions in seeking for a livelihood by private employ, it has been the recent regulations reducing the amount of money which they are allowed to receive from their earnings.

On the ground of further saving, the report recommends the diet to be still further reduced to 18 oz. bread, 8 oz. meat, 8 oz. potatoes, 1 pint soup, and 2 pints tea daily. I do not see how this diet can be, as is stated, quite as nutritious as that now in use, seeing that it contains no less than 93 oz. less per week of dry aliment. It is, as nearly as possible, the half diet of the military hospital, and, in my opinion, quite insufficient for probation prisoners and others employed on the ordinary public works, neither do I advise it being "tried experimentally for short sentenced reconvicted prisoners," whose present diet is a sufficient reduction below the scale allowed to the former class. However, I presume there will be little disposition to make any further change in the diet, particularly when the report attributes such favourable results to the adoption of the scale now in force.

In the report attention is drawn to the necessity of providing more suitable employment for invalids at depôts, more especially for those at North Fremantle. I lately addressed to you a communication with reference to this subject, pointing out that I considered the present state of complete idleness, in which these men pass their days, likely to have a most injurious effect on them, both morally and physically. I take this opportunity of again submitting for your favourable consideration the propriety of devising such occupations for them as the nature of their several infirmities render them capable of undertaking.

The report concludes with some observations in reference to the insane, of whom there are now seven under the surgeon's charge. The necessity for providing a suitable place for the proper remedial treatment of these unfortunate men is one which I have on several occasions brought under your notice, and which I feel assured will not be overlooked. The proposed asylum should, I think, be somewhere in the vicinity of Fremantle, and such a site should be selected as will admit of the enclosure of several acres of ground, so that the patients may have not only ample space for exercise, but also be employed in the culture of the soil.

With regard to the surgeon's statement that his attempts to ameliorate the condition of lunatics by having them employed at some light work commensurate with their condition have been opposed by the superintendent and principal medical officer, I have to observe, that so far as I am concerned it is not strictly in accordance with the facts, of which you are yourself cognizant. The surgeon in April last requested the superintendent to make arrangements to enable the whole of the lunatics then under his charge to take exercise daily with the convalescents outside the walls of the establishment. The superintendent having stated that he apprehended some disorder from an attempt to realise the recommendation of the surgeon, the matter was referred to me. Having inspected these men, and carefully inquired into their cases, I was of opinion that some of them were unfit to be sent out thus in public, on account of their tendency to commit acts of violence or to escape, or their positively refusing to leave the cells in which they were confined. Having acquainted you with my opinion on their several cases, I addressed a communication to the surgeon, in which I informed him that I considered his request to the superintendent to be injudicious, for the reasons stated; that only such lunatics as would conduct themselves in a quiet and orderly manner should be recommended to accompany the convalescents; and that the others should, as far as possible, be induced to take exercise in the yard adjoining the cells. The question of employing the lunatics in some light labour, if proposed by the surgeon, has never been referred to me, as it was his duty to have done. Grave objections, both disciplinary and medical, exist to the employment of these irresponsible individuals on the public works, in association with the other prisoners; but were the proposal of the surgeon of a practical nature, and not open to the charge of want of judgment, to which I judged his indiscriminate recommendation for their being sent out with the convalescents was liable, it would, in accordance with the suggestions which I have on different occasions offered to you relative to the treatment of the insane prisoners, have met with my recommendation and support.

I have, &c.

(Signed) George T. Galbraith, M. D.,
Staff Surgeon, P. M. O.

GENERAL STATEMENT of Cases treated in the Hospital of the Convict Establishment, Fremantle, from 1st January to 30th June 1855.

Cases remaining on 31st December 1854 - -		33
Treated between 1st January and 30th June 1855 -		1826=1859
Of these were discharged - -	1789	
Died - - - -	6	
Remaining under treatment 30th June 1855 -		31=1859

Diseases.	Remaining under Treatment on the 31st Dec. 1854.	Since treated.			Total treated.	Discharged.	Died.	Remaining under Treatment on the 30th June 1854.
		In Hospital.	Regularly treated out of Hospital.	Casually treated out of Hospital.				
Fevers - - -	—	8	—	7	15	13	—	2
Nervous system - - -	3	27	9	144	183	175	1	7
Organs of respiration - -	1	8	5	13	27	24	2	1
Organs of circulation - -	—	3	1	8	12	12	—	—
Organs of digestion - -	6	196	78	517	797	793	3	1
Urinary and generative organs -	2	7	4	6	19	19	—	—
Integumentary system - -	7	57	137	143	344	342	—	2
Ocular system - - -	12	160	29	48	249	233	—	16
Organs of locomotion - -	—	3	—	10	13	13	—	—
Miscellaneous - - -	2	32	9	157	200	198	—	2
	33	501	272	1,053	1,859	1,822	6	31
FEVERS.								
Febricula (slight fevers) - -	—	6	—	7	13	12	—	1
Gastric fever - - -	—	1	—	—	1	1	—	—
Measles - - -	—	1	—	—	1	—	—	1
	—	8	—	7	15	13	—	2
NERVOUS SYSTEM.								
Insanity - - - -	2	6	—	—	8	2	—	6
Catalepsy (species of trance) -	—	1	—	—	1	1	—	—
Cephalalgia (headache) - -	—	—	—	9	9	9	—	—
Hormierania (face ache) -	—	—	2	2	4	4	—	—
Neuralgia - - - -	1	15	5	89	110	110	—	—
Lumbago - - -	—	—	—	18	18	18	—	—
Epilepsy - - - -	—	1	—	2	3	2	—	1
Paralysis (complete) - -	—	1	—	—	1	—	1	—
Paralysis (partial) - -	—	1	—	—	1	1	—	—
Vertigo - - - -	—	2	1	11	14	14	—	—
Pleurodynia (nervous pain in side)	—	—	1	13	14	14	—	—
	3	27	9	144	183	175	1	7
ORGANS OF RESPIRATION.								
Bronchitis (chronic) - -	—	2	2	3	7	7	—	—
Catarrh (common cold) -	—	—	—	8	8	8	—	—
Pneumonia (chronic) - -	1	5	2	—	8	7	1	—
Mortification of lungs - -	—	1	—	—	1	—	1	—
Hæmoptysis (spitting of blood) -	—	—	1	2	3	3	—	—
	1	8	5	13	27	25	2	—
ORGANS OF CIRCULATION.								
Hypertrophy of heart - -	—	1	—	—	1	1	—	—
Palpitation of heart - -	—	2	1	6	9	9	—	—
Varicose Veins - - -	—	—	—	2	2	2	—	—
	—	3	1	8	12	12	—	—
ORGANS OF DIGESTION.								
Diarrhœa (chiefly resulting from constipation) - - -	—	27	12	156	195	195	—	—
Dysentery - - -	4	109	16	21	150	148	2	—

Diseases.	Remaining under Treatment on the 31st Dec. 1854.	Since treated.			Total treated.	Discharged.	Died.	Remaining under Treatment on the 30th June 1854.
		In Hospital.	Regularly treated out of Hospital.	Casually treated out of Hospital.				
ORGANS OF DIGESTION (*cont.*)								
Dyspepsia	—	18	36	61	115	115	—	—
Constipation	—	7	1	248	256	256	—	—
Hærmatemesis (vomiting of blood)	—	2	1	1	4	4	—	—
Hæmorrhoids	—	1	—	2	3	3	—	—
Hæmorrhæge from anus	—	1	—	—	1	1	—	—
Inflamed gullet	—	18	7	8	33	33	—	—
Hernia	—	—	—	6	6	6	—	—
Gastrodynia (stomach ache)	—	—	—	1	1	1	—	—
Heartburn	—	—	—	1	1	1	—	—
Stricture of pyloric end of stomach	—	—	1	—	1	1	—	—
Sore throat	1	8	3	12	24	24	—	—
Ulcerated throat	—	1	—	—	1	1	—	—
Ulcerated mouth	—	2	—	—	2	2	—	—
Colic	—	1	—	—	1	—	—	1
Loss of appetite	—	—	1	—	1	1	—	—
Peritonitis (chronic)	—	1	—	—	1	—	1	—
Enlarged liver	1	—	—	—	1	1	—	—
	6	196	78	517	797	793	3	1
URINARY AND GENERATIVE ORGANS.								
Dysuria (painful micturition)	—	1	1	2	4	4	—	—
Diseased kidneys	—	1	1	—	2	2	—	—
Spermatorrhœa	—	1	—	—	1	1	—	—
Enlarged testicle	—	1	—	1	2	2	—	—
Stricture of urethra	2	1	—	1	4	4	—	—
Festulous opening into urethra	—	1	—	—	1	1	—	—
Gonorrhœa	—	1	2	2	5	5	—	—
	2	7	4	6	19	19	—	—
INTEGUMENTARY SYSTEM.								
Abscesses, boils, and ulcers	—	24	14	69	107	106	—	1
Erysipelas	—	5	—	—	5	5	—	—
Eruptions on skin	7	20	123	70	220	219	—	1
Carbuncles	—	7	—	—	7	7	—	—
Whitlow	—	1	—	4	5	5	—	—
	7	57	137	143	344	342	—	2
OCULAR SYSTEM.								
Amaurosis (disease of optic nerve)	1	—	—	—	1	1	—	—
Ophthalmia	11	159	29	48	247	232	—	15
Injury of eye	—	1	—	—	1	—	—	1
	12	160	29	48	249	233	—	16
ORGANS OF LOCOMOTION.								
Curvature of spine	—	1	—	1	2	2	—	—
Impaired use of foot	—	—	—	4	4	4	—	—
Diseased bones	—	—	—	5	5	5	—	—
Enlarged knee joints	—	2	—	—	2	2	—	—
	—	3	—	10	13	13	—	—
MISCELLANEOUS.								
Gout and rheumatism	—	7	1	2	10	8	—	2
Toothache	—	—	—	48	48	48	—	—
Enlarged glands	—	1	1	8	10	10	—	—
Inflamed ears	—	1	2	2	5	5	—	—
Debility	1	—	—	12	13	13	—	—
Purulent discharge from ear	—	—	4	11	15	15	—	—
Worms	—	—	—	4	4	4	—	—
Injuries	—	10	1	28	39	39	—	—
Wounds	1	3	—	15	19	19	—	—
Observation	—	10	—	27	37	37	—	—
	2	32	9	157	200	198	—	2

Enclosure in No. 10.

SURGEON'S HALF YEARLY REPORT for Period ending 30th June 1855, together with Observations of the Principal Medical Officer thereon.

SIR, Fremantle, August 1, 1855.

IN conformity with the regulations, I have the honour to transmit you my report for the half year terminating 30th June 1855.

While it is with much regret that I have again to report the general health of the prisoners as having been bad during the greater part of the above period, it is a source of great satisfaction to me to be able to inform that a very marked improvement has lately taken place, which I attribute to the recent reduction of diet, the adoption of which on sanitary grounds I strongly urged in my reports for the half year terminating 30th June and 31st December 1854.

The average daily number of prisoners has been 419, the daily average of sick being 43. The prevailing diseases (dysentery, ophthalmia, and cutaneous eruptions,) have been in every respect the same as during the two preceding half years, with the exception that the ophthalmia at times displayed an unusual degree of virulence, in several cases attended with the most disastrous results of vision.

Notwithstanding the large number of sick treated in hospital, the mortality has been small, only six fatal cases having occurred, which is to be attributed to the remarkable immunity which the organs more immediately connected with the vital process have enjoyed from disease, the local manifestations of the vitiated blood having been almost entirely confined to the integumentary, ocular, and intestinal systems, in the form of skin diseases, ophthalmia, and dysentery, the latter, however, by no means of a malignant type, differing very materially from that form occurring in connection with tropical and other fevers.

In my last report I entered very fully into the general sanitary history of the prisoners; and as the observations then made, and the conclusions arrived at, are equally applicable to their physical conditions during the half year just terminated, I will briefly recapitulate them.

1st. That the general bad health of the prisoners, characterized by the extraordinary prevalence of ophthalmia, bowel complaint, and cutaneous eruptions, was chiefly owing to diet, partly frum excess in quantity—occasionally from the want of a regular supply of fresh vegetables.

2d. That from two of the above-mentioned diseases rarely affecting the same individual at the same time, on the contrary, obstinate cases of ophthalmia and dysentery frequently disappearing immediately on the appearance of cutaneous eruptions, and vice versâ, there was every reason to suppose that the three forms of disease were mere local varieties of the same constitutional affection,

3d. That the constitutional disease was one essentially of morbid digestion, consisting of the absorption and subsequent development in the current of the circulation of the products of indigestion (probably fermentative matter), which, when thrown off from the blood, appeared in the form of local disease, the special nature of which depending on the texture selected by the blood for the deposit of its abnormal constituents; in other words, on the constitutional predisposition of the individual to local derangement.

In support of these first assumptions I stated, that prisoners who had been some time re-convicted, and consequently habituated to a lower scale of diet than the probation prisoners, enjoyed much the best health; that probation prisoners when placed on low diet rapidly improved in general health; that medicine, without a considerable reduction of diet, exercised little or no permanent influence over their ailments; that, after every species of treatment had failed in arresting dysentery, cutaneous disease, and ophthalmia, especially the latter, a moderate and properly regulated diet, with a sufficiency of vegetable acid, rapidly effected a cure; that the want of vegetable acid in the diet was proved by the temporary improvement which resulted from the free use of lime juice, even when no reduction of diet took place, as in the out-door treatment of cutaneous eruptions; that, irrespective of the evidence furnished by the amount of disease, that a comparison of the diet with that which is considered necessary in England for a man exposed to the ordinary vicissitudes of a labourer's life was sufficient to prove how much the diet was in excess of what is either requisite or safe; the diet then furnished to the probation prisoners exceeding by one pound (after allowing for loss by cooking) that which is calculated by competent authorities as sufficient for a labouring man in England, this excess being supplied in a climate where the chemical demands of the system for food are much less, and where an over-supply, from physical laws, must end in the production of functional, and its natural sequence, organic disease; that the extraordinary prevalence of constipation—a prevalence altogether inconsistent with health—was a strong proof of the diet far exceeding the systemic demand for food; that the diseases so prevalent amongst the prisoners were almost entirely unknown amongst the troops and population generally in Fremantle; that the Royal Sappers and Miners were exposed to all the exciting causes of disease that the prisoners were, and that they enjoyed perfect immunity from cutaneous diseases, ophthalmia, and dysentery, their general health being excellent.

In support of the second and third assumptions I adduced illustrations by detailed individual cases, and by tabular returns of ocular, cutaneous, and dysenteric disease, occurring metastically (the one disappearing immediately on the invasion of the other), thus proving

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the existence of a morbid condition of the blood; not a matter of theory, but of ocular demonstration; consequently I considered myself justified in asserting that if certain local diseases could be traced to the impure blood circulating through the parts, there was no sound physical reason why in half a dozen people affected with the same morbid condition of the blood each one should not have a different form of local disease, constitutional predisposition being universally acknowledged.

In support of the constitutional origin of the prevailing diseases, and of their differing from each other only in situation, I adduced tabular and detailed evidence of a large number of cases of ophthalmia which occurred time about (metastically) with dysentery, also of cases occurring in a similar manner with cutaneous eruptions, and vice versâ, making a total of ninety-three cases, illustrative of constitutional disease where nature had to select, if I make use of the term, more than one point of explosion.

After treating of the special pathology of the prevailing diseases, I proceeded to detail the advantages which had accrued from an extended system of hospital admission, and I furnished you with a tabular return illustrative of the extraordinary condition of the bowels occurring as a symptom of the forms of dysentery, ophthalmia, and cutaneous eruptions prevailing amongst the prisoners and ticket-of-leave men, and as it was drawn up from cases not specially selected, but taken accidentally from those under treatment on the particular day on which I was writing that portion of my observation (15th February 1855), and as it consequently falls within the present report, I shall make a few remarks in connection with it, selecting one of the cases as an illustration,—a re-convicted prisoner named Bain, labouring under the ordinary symptoms of dysentery, namely, scanty evacuations of blood and mucuous, accompanied by great desire to evacuate the bowels, but inability to do so. After three purgative injections, ten grains of calomel, 240 grains of compound jalap, an ounce and a half of castor oil, five drops of croton oil, four colocynth, and four blue pills, with four ounces of sulphate of magnesia, a considerable quantity (nineteen pounds) of decomposed matter was brought away; but as purgatives seemed to have little effect, and the man declared he was well and fit for duty, I discharged him, in hopes that the mere mechanical weight of additional food might, by its visa tergo, dislodge what I believed still remained; but I was disappointed, for he returned in two days, complaining of gastric uneasiness, and the ordinary symptoms of chronic dysentery; and the following additional purgatives were required:—four ounces of sulphate of magnesia, 240 grains of compound jalap, ten grains of calomel, eight grains of scammony, six grains of gamboge, two purgative injections, twelve colocynth, and twelve blue pills, bringing away eleven pounds of semi-putrid matter, mixed with a quantity of decomposed fæces, mucous, and shreds of disorganized membrane, the quantity voided more than filling an ordinary close stool; thus making a total consumption of purgative medicine as shewn in the annexed return:—

Purgative Injection.	Compound Jalap.	Calomel.	Epsom Salts.	Pills.	Castor Oil.	Croton Oil.	Scammony.	Gamboge.	Amount evacuated.
No.	Grs.	Grs.	Oz.	No.	Ozs.	Drops.	Grs.	Grs.	Thirty pounds of feculent matter, more or less in state of decomposition.
5	480	20	8	32	1½	5	8	6	

To a professional man such a statement must almost appear incredible, except as an extraordinary isolated case, when it is taken into consideration that sixty grains of compound jalap and five grains of calomel is a powerful purgative dose, or that few people resist the appeal of the colocynth pills, followed by an ounce of Epsom salts. Had such cases been of rare occurrence I should not have dreamt of bringing them forward in this manner, but as they formed, during the greater portion of the period over which this report extends, the daily routine of my duty, and entailed upon me an amount of disgusting research and actual professional labour which nothing but the serious results to which I saw this condition leading would have induced me to undertake, I could not conscientiously withhold from you statistical information acquired.

I then proceeded to state, that from a glance at the enormous quantities of the most powerful purgatives required for the treatment of ordinary cases, as statistically shewn,—doses more suited for horses than for human beings,—it might almost be asked if it is not better to leave nature to do her own work, and by degrees get rid of her superfluous stores, but I demonstrated by illustrative cases that such an expectant system of medicine was not admissible in the treatment of the prisoners and ticket-of-leave men of Western Australia, owing to the re-absorption of the putrid contents of the intestinal tubes, and the consequent re-entry into the blood of decomposed matter, leading to its arrest in most important organs, occasionally causing their rapid destruction, as illustrated by the case of Cook, which I gave you in detail, as a picture from nature of the grave results of a neglected condition of the alimentary canal, occurring as a consequence of a greater load being thrown into it than its natural muscular powers were capable of expelling; this, again,

occurring as a consequence of a daily supply of food altogether out of proportion with the demands of the system, thus exposing the prisoners to a morbific influence, the operation of which might be compared to that of a slow poison,—the rapidity of its action, the amount and nature of the mischief done by it, depending on constitutional susceptibility, combined with the operation of certain external sources of irritation. Thus, to make use of the language of the schools, without binding myself to its correctness, while we recognize excess of diet as the predisposing cause, the morbid digestion and nutrition resulting from it as the proximate cause of actual constitutional disease, the irritation of or overloaded intestines becomes the exciting cause, or that external agency by which diseased blood is induced to display itself in the form of ophthalmia, cutaneous eruptions, or dysentery.

I then went on to state, that such a habit of body as developed the diseases I have so often mentioned ought not to exist in a healthy locality like Fremantle, where what little endemic exists is of the mildest description, and where the general health of the whole community is excellent, that of the military being remarkable, when it is taken into consideration that the force of Enrolled Pensioners is composed of men more or less of shattered constitution, the effects of long service, climate, wounds, and previous disease, and all of whom have been discharged from their respective corps by medical boards as unfit for further service,—these men enjoying excellent health and perfect immunity from the diseases so prevalent amongst the prisoners and ticket-of-leave men.

I then furnished you with extracts from the most eminent authors on dietetics, illustrative of the baneful effects of long-continued overfeeding, and its invariable consequence, —an overloaded condition of the alimentary canal.

I then proceeded to show that the general bad health of the prisoners did not arise from the only influences which could be advanced against the dietetic theory, namely:—

1. Atmospheric causes.
   - A. From the general locality of Fremantle.
   - B. From the peculiar site of the prison establishment.
   - C. From exposure to peculiar miasms during their daily labour.
   - D. From numbers of men sleeping in crowded and badly ventilated wards.
2. From contagion
3. From bad waters.
4. From moral depression resulting from their position as prisoners.
5. That the peculiar training which the men have undergone in prison in England predisposes them to disease.

Each of these influences was carefully examined, but without my being able in any way to identify them with the diseases of the prisoners, every fact connected with their sanitary history pointing to excess of diet as the predisposing cause of their diseases.

I asked how we were to explain away the fact that the men who displayed the greatest predisposition to disease were the sawyers and blacksmiths, receiving an extra ration of bread and meat, in consideration of the additional fatigue pertaining to their duties; and that the men who displayed the least predisposition to disease were those on the lowest scale of diet, and most liable to be affected by depressing moral influences, from being in solitary confinement, and not employed at out-door work.

I stated, that men daily exposed to the tear and wear of muscle and increased respiration incidental to the occupation of sawyers and blacksmiths could consume more food without injury to health than men less actively employed is consistent with the conclusions arrived at by modern science, but that the bad health (almost entirely diseases of the digestive organs) which this class of men had laboured under here was a proof that their allowance of food was considerably in excess of what their systems were capable of appropriating, and, consequently, also of the demand created by their more active employment.

With reference to the nature of the constitutional disease giving origin to the prevailing local affections, I stated that I believed it to be a mixture of the scrofulous and gouty habits of body.

My attention was first drawn to the existence of the gouty diathesis amongst the prisoners by observing several well-marked cases of gout occurring as local complications of dysentery, cutaneous disease, and ophthalmia, verifying an opinion I have held for some time, that no one tissue of the body is capable for any length of time of carrying on the climation of a blood disease; thus when for a series of months the skin, the mucous membranes of the eye, and bowels, have been organs of climation, indicated by their constant morbid condition, nature gets tired of them, either from caprice, or from their having become physically unfit for her purpose, and she transfers her morbid particles to another class of tissue, the membranes and textures surrounding the joints, which I stated I believed to be the true explanation of that peculiar tendency of certain diseases suddenly to transfer themselves from one part to another, to which the term "metastasis" has been applied in medical literature.

I then went on to state, that this peculiarity, the existence of which amongst the diseases of the prisoners I had laboured to prove, had long been known in medical science, without its true nature, in my humble opinion, being understood or even investigated, for in the latest works on medicine little or no effort is made to explain it. As a proof that this is a scientific question open to every practical physician, and that speculation on it is not only justifiable but necessary, where rational conclusions are desired to be arrived at,

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I laid before you the following extract from one of the latest books on the theory and practice of medicine, that of Dr. Gregory, a work of so high a reputation as to be the one ordered by the regulations of the Army Medical Department to be in the possession of every medical officer.

"Metastasis, or the translation of inflammation from one organ or structure to another, "is a very curious but obscure point in pathology. It is exemplified in the ophthalmia "which succeeds gonorrhœa; in the inflammation of the testicle which succeeds the "mumps; in the inflammation of the pericardium which succeeds rheumatism; in the "inflammation of the brain which succeeds erysipelas of the face. In what manner "metastasis is effected has never yet been developed. It appears, however, that something "may be referred to sympathy, from similarity of structure, for in most cases of metas-"tasis it will be found that the structures primarily and secondarily affected have an "affinity to each other."

I then endeavoured to prove that there is nothing either curious or obscure about the manner in which metastasis is effected, and that the mystery in which this important question has been hitherto involved is attributable to one cause alone,—and that the erroneous views held on the subject of inflammation, inflammatory action being referred to a morbid condition (perverted action) of the minute blood vessels of a part, in place of to a morbid condition of the blood circulating through the minute blood vessels of a part.

For my arguments in support of the above view I must refer you to my last report; but as the illustrations of metastasis cited by Dr. Gregory tend to illustrate the views I have advanced with respect to the metastatic nature of the diseases of the prisoners, I will make a few remarks to show how simple the explanation of this peculiarity appears, when we look upon diseases as local manifestations of a pre-existing disordered condition of the blood, in place of special local ailments, their cause shrouded in obscurity, or explained by vague hypothesis, as the expression used by Dr. Gregory, sympathy from similarity of structure, an expression which no attempt is made to define, because no special meaning is attached to it, consequently a term meaning anything or nothing, and as far as tending to afford an explanation is concerned scarcely more lucid than that the intelligent Hindoo received when he asked what the world stood on.

1st. With respect to the ophthalmia which succeeds gonorrhœa, in such cases I view the gonorrhœa as having been a mere local manifestation of a pre-existing disordered condition of the blood, the mucous membrane of the urethra having become predisposed to disease, in other words, to become an eliminative surface, from unusual venereal excitement or from other causes. The blood impurity, whatever may be its special nature, has a direct affinity for mucous surfaces, not from sympathy, but from a direct mechanical relation existing between its molecular elements, and the calibre of the minute blood vessels ramifying on the membranes of the urethra and eye, membranes in every respect identical in structure.

2d. Inflammation of the testicle succeeding mumps. Inflammation of the parotid gland, popularly known as mumps, is a disease which very frequently prevails epidemically, and consequently in all probability owes its origin to atmospheric influences (by the term including malaria), and from its being almost invariably both preceded and accompanied by fever of a remittent type its special cause may be somewhat similar to that of ague or remittent fevers in general. Another marked point of resemblance is, that as the violence of the febrile attacks decrease there is a gradual increase in the glandular enlargement, and we have thus as complete an illustration of paroxysmal febrile disease, terminating by partial cutical evacuations into the glandular tissues of the neck, as we have of intermittent or remittent fevers terminating by cutical evacuations (perspiration) from the skin. If, therefore, we can make out a direct relation between the decline of a febrile disease and an abnormal development of a glandular or other organ, we are justified in supposing that the fever arose from the presence in the blood of some noxious matter which was got rid of either by direct deposition (like ordinary perspiration) or possibly by mechanical arrest; under either circumstances its removal from the general current of the circulation is effected, the febrile symptoms for the time declining or entirely disappearing.

If the above view, therefore, is correct, which I think there is as little doubt of as that an attack of ague generally terminates by perspiration, though by no means invariably so;—unfortunately when it does not the fact of its being ague is entirely lost sight of, and the disease named according to the local determination of the cutical evacuation,—if from the minute vessels of the alimentary canal in place of from the skin, the disease becomes diarrhœa,—if from the serous membrane lining the chest, pleurisy, or water on the chest,—if from the lining membranes of the air tubes, bronchitis,—if from the minute vessels in the tissues immediately beneath the skin, œdema, or external dropsy,—if, however, the same symptoms which usher in acute attacks of such diseases, namely, a shivering fit, followed by an attack of fever, terminates by a profuse perspiration, then the disease is only recognized as ague, and then only specially treated as such;—were the same symptoms to return in twenty-four hours (quotidien ague), but the critical stage unfortunately to occur from the bowels, chalk mixture would become the specific, in place of quinine,—the mind of the practitioner being fitted by the present system of medicine into an iron case, preventing the expansion of his ideas beyond the mere local manifestation of disease;—if such views then are correct, how simple it is to understand why a febrile disease might at one time deposit its morbid elements in a gland in the neck, at another time in the testicle,

the parts being identical in structure, and the same direct relation existing between the molecules of the blood disease and the calibre of their minute vessels.

3d. The inflammation of the pericardium which succeeds rheumatism. Acute rheumatism is now known to depend on an excess of lactic acid in the blood. This unnatural constituent of the vital fluid has a marked predi-position to arrest in the membranes surrounding the joints, constituting the painful red swelling recognized as rheumatic inflammation. A peculiarity with respect to this disease has been long known, namely, its tendency to jump from one joint to another, like its twin brother gout, but the researches of late years have proved that it has an equal propensity to attack the pericardium (the membrane which contains the heart), the structure of which is identical with that of the membranes surrounding the joints, and consequently the lactic acid of the blood has the same affinity for the capillary vessels as it has for those of the joints.

It is unnecessary my proceeding further with Dr. Gregory's illustrations of metastasis, as I hope I have succeeded in demonstrating how completely a belief in the local origin of inflammation tends to keep rational views respecting the theory of medicine involved in Cimmerean obscurity. Had Dr. Gregory the faintest glimpse into humoral pathology he never would have written the following lines:—

"In what manner metastasis is effected has never yet been developed. It appears, however, that something may be referred to sympathy from similarity of structure, for in most cases of metastasis it will be found that the structures primarily and secondarily affected have an affinity to each other."

An humble attempt to explain which, bearing as the question does on the diseases of the prisoners, I must plead as an excuse for this lengthy digression from the more special matter of my report.

The question of metastasis was very fully entered into by me in my report, and I then gave you in detail my reasons for believing in the existence of scrofula and gout on an extended scale amongst the prisoners, but which the limits of this report prevents me recapitulating.

I devoted the remainder of my report to urging most strongly reduction of diet as the only means of restoring the prisoners' healths, and of averting the development of the scrofulous and gouty habits of body amongst them, recommending, also, that one scale of diet should exist for all prisoners similarly employed.

I stated:—What are the means of alleviating this peculiar tendency to disease? Reduction of diet. To what extent ought it to be reduced? Let that be fixed by a medical board on scientific principles; any other mode of investigation is fallacious; and I have only to repeat what I stated in my report for June 1854, that for men morally constituted as the mass of prisoners are diets ought to be constructed, not on principles deduced from what they can eat, nor from the individual opinions of prison authorities on the moral effects of diet, but from physiological data, having essentially in view the preservation of their health, and the maintenance of their efficiency for the different purposes of utility to which their labour is applied by the State; and I take this opportunity of repeating what I stated in the report just alluded to, that I am aware that the views I have advocated with respect to reduction of diet are at variance with the opinion of those most conversant with prison details; but that I incline to the opinion that too much weight is attached to the individual statements of prisoners on this highly important question, seriously affecting themselves in a sanitary point of view, and the State as the origin of their support, the development of the pleasing feeling of satiety, or rather repletion, as indicated by mechanical inconvenience, being more taken by them as a test of sufficient diet than the disappearance of the sensation of hunger, the proper intimation of the presence in the stomach of the necessary quantity of food for the healthy nutrition of the body, and the retention unimpaired of physical capacity for active employment.

I then went on to state that I believed the diet of the reconvicted prisoners, which was much lower than that of the probation prisoners, not to be so constituted as to admit of its adoption for the prison and ticket-of-leave depôts generally, its total bulk being too great, and the daily allowance of a pint of thick soup also tending materially to increase the predisposition to diseases of the digestive organs, evidence in support of the injurious effects of which I adduced; consequently, I strongly recommended the abolition of soup as a regular daily allowance; when issued, recommending only half the usual allowance of vegetables to be given.

I also stated that I considered it very desirable that the diet should be more varied; if practicable, the meat to be baked two or three times weekly. Soup I recommended to be issued only twice weekly.

The following scale I proposed as an ample daily allowance—

Breakfast.	Dinner.	Supper.
10 ozs. bread	12 ozs. meat	8 ozs. bread
1 pint tea.	1 lb. potatoes.	1 pint tea.

The above scale exceeds by upwards of half a pound that estimated by Dr. Carpenter (one of the most eminent authorities on the subject) as sufficient for a healthy adult in England, as shown by the following extract from his work:—

"The amount of dry nutritive matter required by a young adult in full health and activity would allow about 10 ozs. of bread for breakfast, 12 ozs. of meat with 6 ozs. of

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vegetables for dinner, and 8 ozs. of vegetable food at other meals. Many persons however, are in the habit of taking double that quantity to their own detriment."

I also recommended the occasional use of fish, as a most wholesome, nutritious, and economical substitute for meat, especially during the summer months, recommending the employment of invalids as fishermen. I also proposed the employment of invalids at depôts in manufacturing arrow-root from the zamia plant; the process being simple in the extreme, and the farina procured equal to the best kinds of Indian arrow root.

I then proceeded to detail the advantages which would accrue from a reduction of diet, in a sanitary and pecuniary point of view; I also stated that I believed my arguments with respect to the diseases of the prisoners, and their dependence on excessive diet, were applicable to a much wider field than Western Australia, suggesting the probability of the diets of the English prisons considerably exceeding the powers of healthy digestion, which might account for the general bad health which appeared to prevail, judging from the number of cases which swelled up the sick lists of the different prisons.

In conclusion, I urged that the statements contained in my report might become the subject of inquiry, at the earliest possible period, before a medical board, the questions involved being of too great importance to be left to the judgment, and that possibly not unbiassed, of any one individual.

I regret thus having been compelled so extensively to recapitulate, but I have felt it unavoidable, the preceding observations applying with equal force to what has been the sanitary condition of the prisoners during the greater portion of the past half year,

In consequence of the statements just quoted, a medical board was ordered to investigate the matter; and though they did not appear to adopt my views regarding the dependence of the sickness on excess of diet, still they thought the diet considerably in excess, and made reductions in it, as will be seen from the following tables, showing the scales then and now in use.

Scale in use before the sitting of the Medical Board.	Scale fixed by them, and now in use, with the exception of the treacle, which has not yet been issued.
Meat, 16 oz. Bread, 26 oz. Potatoes, 16 oz. Soup, 20 oz., thickened with 1 oz. rice or oatmeal, issued every day except Sunday. Total weight for the week, 526 oz.	Meat, 14 oz. Bread, 22 oz. Potatoes, 12 oz. Treacle, 2 oz. Soup, 20 oz., but only issued twice weekly. Total weight for the week, 396 oz.

Making a gross reduction per week of 136 oz. This reduced scale, with the exception of the molasses, came into use on the 1st June 1855, and the change for the better on the general sanitary condition of the prisoners has been such as to exceed my most sanguine expectations, the diseases which have been so prevalent having comparatively disappeared.

With respect to the opinion expressed by the board, that there was no evidence to prove that the diseases of the prisoners arose from the unnecessary quantity of food allowed them, and that ophthalmia and dysentery had always existed in the colony, to which diseases the prisoners would be readily predisposed from their constitutions being impaired by their previous habits and subsequent confinement, I beg leave to state —

1st. Ophthalmia and dysentery, such as the prisoners have suffered from, has been totally unknown amongst the troops and population generally of Fremantle, and as it has been epidemic in the establishment, its cause must likewise have existed in the establishment.

2d. The board took no notice whatever of the prevalence of cutaneous eruptions, which, so far as I am aware, never have been of remarkable prevalence in the colony; certainly the forms which have prevailed in the prison have been totally unknown to my practice elsewhere in Fremantle.

3d. The three forms of disease were essentially connected with disorder of the digestive organs, which, from their remarkable prevalence, could only arise from an error in quantity or quality of the food; that the latter existed, with the exception of the bread occasionally being rather heavy, there was no proof of; on the contrary, the greatest care has always been given to the quality of the provisions, more especially to the flour; that the former existed the board themselves proved, by making the reductions already alluded to; and yet no connexion could be admitted between the prevailing diseases and this long-continued course of overfeeding, thereby dissenting from the opinion of every eminent author on dietetics, in fact, of the profession generally, with respect to the injurious effects of an over supply of food.

4th. That previous habits and subsequent confinement entails upon convicts a predisposition to disease I consider has in no way been proved. I will not say that there is no predisposition to disease amongst prisoners, especially of the digestive organs; but where

that predisposition does exist I believe it to be a result of that very large diet which has become an essential element in the present system of moral control.

The classes from which the majority of convicts come are the same as those from which the army is recruited; and when we take into consideration the small number of recruits rejected, and the general healthy character of the British soldier, there is no proof whatever of previous mode of life having conferred a predisposition to disease. Admitting that prisoners on arriving in this or other penal settlements have a predisposition to disease, what is this predisposition the result of? The favourite theory is moral depression from confinement and want of liberty, a theory on which I shall make a few remarks.

Does moral depression exist amongst prisoners en masse? I must say I doubt it; when the comforts, the total want of anxiety about their daily subsistence, the general interest taken in them, the unlimited command of medical attendance at any hour of the day or night, the power to leave off their daily work for any ailment, real or feigned, until visited by the medical officer, comfortable clothing, a liberal allowance of tobacco, the command of a library, superior to any in the colony, with a host of other advantages, are compared with the condition of the working man, who has to toil from sunrise to sunset, to earn by the sweat of his brow a precarious and at best a barely sufficient livelihood, the position of the convict, as far as worldly comfort is concerned, is infinitely the best. Against this, what has the labouring man to show but liberty, a word to which a vast amount of poetic fiction is attached? What does the liberty of the free labourer consist of, but toil, perpetual toil, and, after all, earning barely enough to supply the wants of nature. His liberty literally is his labour. Deprive him of that by sickness or incapacity to procure it, and what does his position become?—that of an abject pauper. Are there not then more grounds for moral depression amongst the ordinary labouring population, more especially the married? My humble opinion is that there are.

In a word, if moral depression exists in a prisoner, an almost inevitable consequence is diminished secretion of the gastric juice, and a proportionate decrease of appetite, consequently a much smaller diet is required than for a man in ordinary health and spirits. If, on the contrary, a large diet is daily consumed, in obedience to the dictates of a natural appetite, there is every reason to believe that no moral depression exists. If it does, it ought to be apparent that the daily routine consumption of a large diet, for the healthy digestion of which the stomach is unequal, must terminate in disorder of the digestive organs, in impurity of the blood, and its endless sequelæ.

The result of nearly three years' experience as prison surgeon in this colony has been, that I have only seen one case in which I could trace a direct relation between moral depression and the ailment of the prisoner.

Admitting moral depression to exist, as I stated to you in my last report, no one, unless, totally ignorant of the subject, would attempt to treat it by huge diet, altogether out of proportion even with the powers of a stomach the tone of which is uninfluenced by any depressing mental emotion, as I consider the diet lately in use for the prisoners to have been.

The diet fixed by the board, and now in use, I consider contains too much bread, the daily consumption of twenty-two ounces of fermented matter appearing to me to be apt to create disordered digestion during the summer months.

I still adhere to the scale I proposed in my last report as an ample daily allowance.

If economy is an object, I feel satisfied that the diets still admit of such modification as would in no way interfere with the sanitary condition of the prisoners; on the contrary, I think improve it, and at the same time tend to a most important annual saving.

By the reduction recently made several thousands per annum have been saved directly or indirectly. The Commissariat Department can furnish the amount of direct saving, which I believe to be between three and four thousand pounds per thousand diets. The indirect savings are the diminished number of sick, and the diminished number of ticket-of-leave men in depôt, reduction of diet having acted as a powerful stimulus to the development of industry, by their more readily entering private employment, I am informed that the number of men in the Mount Eliza Depôt has been reduced to one half within the last three months, and which is attributed to the operation of the reduced diet, repletion, as indicated by mechanical inconvenience, and not natural satiety, being their index of sufficiency.

The following diet I consider a good and economical one; better I should say in a sanitary point of view than the one now in use:—

Breakfast.	Dinner.	Supper.
10 oz. bread - -	8 oz. meat - -	8 oz. bread - -
1 pint tea - -	8 oz. potatoes - -	1 pint tea - -
	1 pint soup - -	

Soup daily is only objectionable when consumed along with a meal ample in other respects. In such a scale as the above it would become a most important and nutritious

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adjunct to diet, soup having the proportion of half a pound of meat to the pint, and containing one ounce of oatmeal, forms a substantial item in a dinner; the oatmeal alone which it contains being a third of what is sufficient to make an ample quantity of porridge for a labouring man's breakfast.

The issue of 2 ounces of molasses being shortly to commence, if oatmeal could be procured, porridge would be a wholesome substitute occasionally for the bread and tea at breakfast.

The above diet being quite as nutritous as the one now in use, and about fourpence a day cheaper, it might very fairly be tried experimentally with the short sentence reconvicted prisoners, and if found to answer it might then be generally adopted. Compared with the diet now in use, the adoption of it would give an annual saving of upwards of six thousand pounds, supposing one thousand rations to be issued daily, the number at present considerably exceeding that, there being nearly seven hundred men in the chief establishment alone.

An examination into the hospital records will afford the most convincing proofs of the very great change for the better which has taken place in the general health of the prisoners and ticket-of-leave men since the reduced ration has been in operation. Statistical information on this head I must defer until my next report, as the diet had only been in operation thirty days before the period (30th June) for which this report is due.

The only other matter of interest which I have to allude to was the occurrence of a solitary case of measles, the disease showing itself the day after the prisoner landed from the "Stag" convict ship. The case was a serious one, and every precaution was adopted to prevent the extension of the disease by contagion, the old prisoners being at once removed to the new prison, though unfinished, and those who had just landed from the "Stag" were carefully isolated and placed in quarantine at North Fremantle.

These precautions were completely successful in averting the introduction of a serious disease, not only amongst the prisoners, but amongst the population generally, as similar precautions were adopted with the pensioner guard, their wives and families, the disease having been epidemic during the greater portion of the voyage.

The "Stag" arrived here on the night of the 24th May, but in coming to the winter anchorage the following day she got on a bank, and made signals of distress, which rendered the landing of the prisoners an immediate step, consequently all the sanitary precautions had to be adopted after the men were on shore, and considering that both smallpox and measles had prevailed amongst them during the voyage, we have every reason to congratulate ourselves on the success of the measures adopted.

I beg to draw your attention to the suggestions contained in my last report with reference to the provision of some suitable employment for invalids at depôts, more especially for those at North Fremantle.

The manufacture of arrow root from the zamia, as then proposed by me, appears to me on the whole the best, as the blind men can be employed in performing an important portion of the process, namely, the grating of the farinaceous pith. I have also to suggest that men whose incapacity for labour arises from impaired powers of locomotion might be employed shingle splitting, should it be practicable to supply them with the proper wood; in the event of this being impracticable, stone breaking, when necessary, is always an available occupation, even for men whose sight may be somewhat impaired.

The employment of invalids at any work, however slight, is of great consequence in counteracting the injurious effects, moral as well as physical, of idleness. At the same time it becomes a matter of considerable importance to make them as far as possible available in diminishing the cost of their support; consequently the labour which will most effectually do so, and at the same time not be inconsistent with their condition, is the one which ought to be adopted.

Arrow root, besides forming a most important article of hospital consumption, might be introduced as a very appropriate item into the daily diet of the permanent invalids.

To get any amount of productive labour out of such a class of men, some artificial stimulus will be necessary; and I have to suggest task work, with some trifling pecuniary remuneration, or perhaps what might answer equally well, scales of diet bearing a proportion to the amount of task work performed.

In conclusion, I cannot too strongly urge upon you the necessity for providing some place adapted for the treatment of the insane.

There are at present seven lunatics under my charge; four are at present confined in cells in the new prison, and three, from their harmless dispositions, I have been able to retain in hospital; a place, however, by no means suitable for the purpose.

I have done my utmost to ameliorate the condition of this unfortunate class, by keeping them with the other sick, so long as I could do so with safety, and on several occasions during their lucid intervals I have endeavoured to have them employed at some light work commensurate with their condition, but which has been opposed by the superintendent and principal medical officer, my suggestions being characterized as injudicious. Where the want of judgment lays I have as yet been unable to find out, as it is simply a question between making some endeavour to restore their reason, or quietly allowing them to degenerate into a state of hopeless lunacy.

No objections, whatever, have been raised to the men in question going at large, not only about the hospital, but outside in the yard; and why any difficulty should occur

in employing them at some light work, which would occupy their attention, and possibly assist in diverting their ideas from their unnatural course, I must confess I am totally at a loss to see, as I consider a much greater risk is run, as far as danger from personal violence is concerned, by having them mixed up with patients in a general infirmary, with a greater command of offensive weapons than they possibly could have at any occupation which might be selected as suitable for them.

The objections which have been raised appear to me purely theoretical, and based upon prison rules, which, where health and reason are concerned, ought to melt away like snow before a summer's sun.

I have, &c.
(Signed) D. F. Rennie, M.D.
Ordnance Medical Department, Surgeon.

The Hon. the Comptroller General,
&c. &c. &c.

No. 12.

Half-yearly Report of the Works in Fremantle District, from 1st January to 30th June 1855.

Sir, Royal Engineers' Office, Fremantle, July 10, 1855.

I have the honour to lay before you my half-yearly report on the works carried on under my superintendence during the six months ending 30th June 1855.

As I am about to leave the colony, this will probably be the last half-yearly report that I shall have to address to you, and I take the opportunity of testifying to the continued energy, zeal, and attention to his duties, and the great practical knowledge of his profession, displayed by Mr. Manning, clerk of works, during the period of three years and a half that he has served under me. He has never shrunk from any amount or description of work, and I consider any officer fortunate in having him for an assistant.

New Prison South Wing.

The south wing of this building has been completed during the half year, and was occupied at the end of May. Accommodation, 240 cells; in association, 200.

The half-year's work consisted of weather boarding roof (half previously done); slating begun and finished; skylights and louvre made and fixed complete; galleries, remainder of cells (about half), and sides of lower associated room floored with jarra wood, rebated, and filleted; corridor and centre of lower association room flagged with Yorkshire paving; staircase in prison made and fixed. It is a step ladder of jarra, made open, so as not to obstruct the view.

The hand rail of galleries and stairs has been fixed on standards made from the iron of the convict ship's fittings. Since they have been made and fixed the cast-iron standards have arrived from England.

The cast-iron sashes sent from England are one inch too large each way, and very heavy. They have been hung in iron staples cast in the smith's shop for the purpose, and have been glazed.

The cell doors are all hung, and the locks rivetted on. These doors were sent out from England half an inch too wide.

The frames having to be rebated to receive the doors has caused a considerable extra expense.

The jambs and sills of the cell windows have all been plastered.

The cells cannot be plastered until the gas and water fittings are fixed.

Hammock hooks fixed in all the cells, and hammock bay framing in the associated rooms.

A circular stair of jarra has been framed and put up, to afford access to the upper associated room.

Two lightning conductors have been made from ships' fittings iron, and fixed, the lower end of each being led into a cemented tank kept constantly full of water.

External doors of prison and associated rooms made, hung, and secured.

Washing Sheds.

Two washing sheds have been erected in rear of the prison, and a well, 45 feet deep, sunk through the rock convenient to them. The force pump (from England) has been fixed in this well.

Privies.

It was not found practicable to clear the sites of the exercising yards in time for the erection of the privies, and two temporary privies have been put up entirely in rear.

Drains.

The tunnels of the drains commenced last year have been driven up to the prison, and so far answer well. The cesspits in the flats have been made good where required, but they were purposely sunk in the rock, to avoid the expense of lining them with masonry.

The immediate superintendence of these works has been the work of the Sappers' non-commissioned officers.

Punishment Cells.

These cells are complete, and in occupation. The boundary wall, door in the same, internal doors, and privy, have been completed.

Entrance Buildings.

Deputy superintendent's quarters completed, and in occupation as offices.

Main Gate.

This gate being a close seal gate, hung folding, framed in two thicknesses, moulded in front, and herring-boned at the back, put together with white lead, rivetted together, and studded with iron knobs, has been made. It works on centres (on the principle of Collings' patent), which have been made in the smiths' shop.

Superintendent's Quarters.

This house is receiving its last coat of paint. The accommodation of these buildings was given in last half-yearly report.

Cook-house, Bake-house, Wash-house, and Drying-closet.

The roof was being put on these buildings at the commencement of the year.

They are complete and in occupation; work done being as follows:—Roof completed with louvres and skylight; Yorkshire stone floor laid on cook-house, bake-house, wash-house, and drying-closet; wood block floors in passages and scullery; concrete floors in stores and laundry.

Sashes, sash frames, and doors, made and hung complete.

Boilers set in kitchen, scullery, and wash-house. Three ovens built in bake-house, with boiler-plate doors hung on iron frames.

Shelves fixed in laundry; washing troughs removed from temporary depôt, and refixed in wash-house.

Drying horses removed; three new ones made, and refixed in hot closet.

Furnace for heating closet removed and reset.

Drains laid from this block of buildings to main sewer.

Boundary Wall.

This wall, 15 feet high from offset to underside of coping, is complete.

Its total length is 887 yards.

Removing Wooden Building from temporary Depôt.

The wooden building put up in 1853, for the "Robert Small" and "Phœbe Dunbar" prisoners, has been cut into short lengths, and carried to the new site.

It affords, as before, accommodation for 176 men.

Limekiln.

The whole of the lime for the works and for cleansing purposes has been burned.

Quarries.

The quarries have supplied the stone for the buildings in progress. The quantity of rubbish compared with the quantity of stone has been rather larger than usual.

The town trust remove the small stone and chippings for the streets of the town.

Sawpits.

The whole of the timber required has been cut up at the pits.

Smiths' and Carpenters' Shop.

The smiths' and joiners' work for the buildings in progress has been prepared in the shops, and a considerable quantity of furniture turned out.

South Bay Jetty.

This jetty was discontinued from want of men, and is now stopped for want of funds; 136 piles driven, 26 bays joisted, 27 capsills fixed, and flooring of 10 bays nailed down.

Lithographic Press.

22,132 impressions have been struck off and issued during the six months.

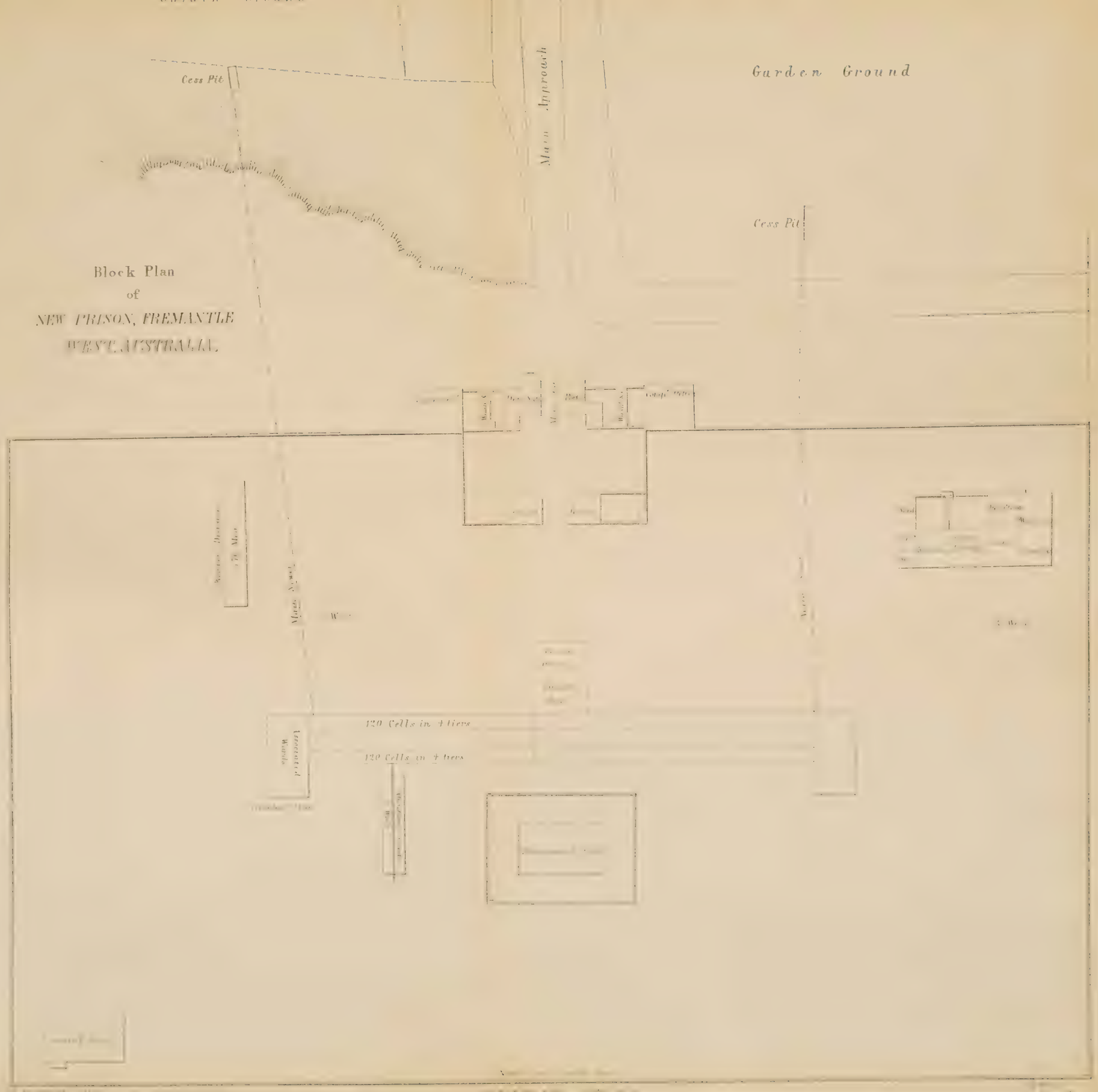
The press is worked by Sappers the transfers are prepared by a prisoner.

North Fremantle.

The men at this depôt (ticket-of-leave) have been principally employed on the works detailed above.

A party was employed for about a month throwing out a stone groin from the south side of the river, with the view of forcing the body of water into the north channel, and thereby deepening it,

The re-appearance of measles among the men who arrived by the "Stag" occasioned their being placed in a species of quarantine at North Fremantle; and the ticket-of-leave men being removed to make room for them, the work was unavoidably discontinued.


Block Plan
of
NEW PRISON, FREMANTLE
WEST AUSTRALIA.
Cess Pit
Main Approach
Garden Ground
Cess Pit
120 Cells in 4 tiers
120 Cells in 4 tiers

Fresh Water Bay.

This has been an invalid depôt, and the men have been employed on light work only. About 400 yards of the Perth road have been metalled.

Mount Eliza.

The drainage of the swamps at the back of Perth has been entirely successful, the rain water being carried off as soon as it falls, and the wells not affected.

A channel 450 yards long has been cut through the mud by means of scoops worked in flats, and the river steamer, drawing between five and six feet water, can reach the Perth jetty.

Four men have been employed in the Colonial Government flat, fetching the stone raised by the colonial prisoners at Rocky Bay to Perth, for the gaol.

The men are now quarrying stone for the depôt.

The small number of men on the works during the half year has necessitated the employment of a large number of hired mechanics, which has given rise to a large unforeseen expenditure.

I have, &c.
(Signed) H. Wray,
Capt. R.E.

P.S. I attach a block plan, showing the buildings referred to in the report.

The Hon. the Comptroller-General.

No. 13.

Lieutenant DuCane's Report for the Half Year ending 30th June 1855.

Sir Guildford, August 11, 1855.

I have the honour to forward my half-yearly report of the works in the eastern district for the period ending 30th June 1855.

All buildings necessarily have proceeded very slowly, as no mechanics of any skill will stop in depôt for the authorized rates of pay.

Guildford.—The number of men on the works at Guildford and its out-stations have been as follows :—

—	R. S. & M. including Instructing Warders.	Ticket-of-Leave Men.		
		Least No.	Greatest No.	Average No.
Guildford Station -	4	42	82	67
York Greenmount do. -	1	2	54	25
Toodyay do. do. -	0	5	47	27
Bindoon Road do. -	1	7	14	6

Sa. S. Quarters.—The timber for this work has all been sawn, the bricks burnt, and the shingles split. The building has all been completed, excepting a few of the sashes and a portion of the painting; this can be done, when materials are supplied, in a few days. A well has been sunk and steined in the yard.

Pensioners' Cottages, West Guildford.—The bricks for 12 pensioners' cottages have been burnt. Some of the timber has been sawn, and most of the shingles split and carted. Posts and rails also for the allotments have been split by ticket-of-leave men on Greenmount, and transported to the site of the cottages; they have been bored and pointed.

Colonial Gaol.—The saddle-boards have been raised to give good ventilation, means being taken for preventing communication from outside being held through the opening. As it was found that prisoners in confinement could not be kept solitary, from the arrangement of the cells, and that also much space was wasted for the same reason, the whole of the divisions were pulled down, and re-erected on a new plan, the sides also being lined with boarding, and pugged with sawdust, to prevent the transmission of sound. A door also into the justice room was made to bring in prisoners for trial. There are now seven cells, in place of five, which there were formerly. The justice room also was repaired and put in order.

Depôt Building.—The hammock hooks of the depôt have been fixed.

Sappers' Quarters.—A well has been sunk and steined in for the Sappers' quarters, and a dust-hole made in the yard.

Incidentals.—A shelf has been fixed in the cook-house. The oven crown being in a fallen state, the oven was taken down, and rebuilt outside the cook-house, in order to afford more space: the outside is plastered. One of the boilers was also taken down at the same time, as it was not required. An oven door of wood, plated with iron, has been made and fixed.

The floor of the cook-house has been relaid with brick.

The depôt has been refloored.

WESTERN AUSTRALIA.

Shelves have been fixed in the storeroom of engineers' quarters, and the verandah in rear extended.

A well has been sunk at the police station, and steined with bricks supplied by the local Government. A windlass has also been made and fixed.

The town trust, having consented to give up a portion of convict allotment 45, which they had been given for a pound, on condition that another piece of land was fenced in for the purpose, this fencing has been done. It consists of a four-rail fence, five feet high, round one portion, and a paling round another.

The colonial flat has been repaired.

About 3,000 bricks have been made, and about 80,000 badly-burnt ones, procured from various sources, have been reburnt.

Bolts have been fixed on the back doors of the Sappers' quarters.

The ground around the infirmary has been raised in parts where it was very low.

A new gate has been fixed in the court yard.

The oven at Toodyay Greenmount has been repaired.

Some palings have been split on Greenmount.

Glebe Land Fencing—Posts and rails for fencing this have been split and carted at the expense of the local Government.

Fremantle Prison.—Some steps for this have been cut and carted down from Greenmount.

Infirmary and Depôt Privy.—This work is commenced; the cesspit dug, and the walls partly up. The wet weather prevents it being gone on with.

Office Furniture.—A set of pigeon holes have been made for the visiting magistrates.

Guildford Bridge.—The flooring has been completed, and a post and rail fence put up along the embankment on this side the river. The skirting has been fixed.

Upper Swan Road, North Bank.—This road has been cleared for two miles; the timber cut down being used for firewood for the depôt. The road through Mr. Hammersley's flat has been completed, and very nearly fenced with a three-rail fence. It includes about a quarter of a mile of fencing on each side of the road.

York and Toodyay Road.—This road has been completed from the townsite of Guildford to nearly the two-mile post, and it has been kept in repair as far as possible.

York Road.—The station No. 1 has been thatched and the garden fenced in. About three miles have been cleared of the small trees and underwood which were not removed before, and 800 yards of the road on the hill have been formed and drained. The party was reduced to five or six men in the beginning of February, and not increased again until June, so that no great amount of work has been done.

Toodyay Road.—2,800 yards of road towards Guildford have been finished, bringing the road nearly to the two-mile post from Guildford. The men were nearly all withdrawn in March, but the party was made up again in June, and commenced some very heavy rocky cutting at the top of the hill, of which they completed 304 yards.

Bindoon Road.—The bridges mentioned in the last report have been entirely completed, and 900 yards of road formed and drained. The party, which only consisted of twelve men, was withdrawn in April.

Repairing Roads.—The Perth road has been repaired, and the bushes on it cut down. The York and Toodyay roads have also been repaired in places.

York.—At York the number of men on the works has been,—

R. S. and M. including Instructing Warders.	Ticket-of-Leave Men.		
	Least No.	Greatest No.	Average No.
3	61	89	72

Commissariat Store and Quarters.—The quarters have been plastered and whitewashed; drains have been laid outside; doors and sashes have been hung in the quarters; the store has been partly glazed; the completion of the building has been delayed for want of certain materials.

Commissariat Stables.—One stall has been paved, and the blocks for the remainder are being dressed.

Superintendent's Quarters.—Timber has been cut and carted, and bolts and gratings made for this work.

Infirmary.—This building has been glazed and painted, and drains made round it.

Cook-house.—The cook-house has also been glazed and painted.

Sappers' Quarters.—The Sappers' quarters have been partly painted, and shelves fixed in them; a well, 23 feet deep, and supplying very good water, has been sunk and steined, and a winch has been made for it.

Depôt Building.—This building has been glazed and painted, and drains have been laid round it.

Warders' Quarters.—The warders' quarters have been painted, locks fitted on the doors, and shelves fixed in the single warder's room.

Re-erecting Gaol Yard Wall.—The old wall has been pulled down, and the new one, built with lime, nearly finished, the completion only being delayed by the illness of the only Sapper mason at the station,

Lining Gaol Cells.—Two common cells and the native cell of the Colonial Gaol have been lined, and the door jambs of the common cells are being lined.

Public Cemeteries.—The cemeteries have been marked out.

Incidentals.—York town allotment A 7 has been fenced, and is being cleared; some damaged fencing in allotments A 4 and 5 has been repaired; a wall has been built between the cook-house and infirmary, and the yards cleared, and levelled; posts and rails to fence in the Sappers' and warders' yards have been split and pointed. The smiths' shop has been repaired.

Repairing Roads.—York Main Street has been repaired, and the two Northam roads have been repaired.

Pensioners Cottages, No. 5.—The door frames have been made, and rushes and rafters cut and carted.

No. 6.—The walls have been built, the materials for the roof obtained, the roof put on and thatched, the doors and sashes made, and the walls plastered.

No. 7.—The walls have been built; the battens, rafters, and rushes cut and carted; the roof put on and thatched; the plastering done, and the sashes made. Owing to the smallness of the sum allowed for these cottages, and the consequent necessity of employing any ticket-of-leave men who can be got to build them, the brickwork is done in many of them very badly, and in this case, the cottage being somewhat tried by the rain before the roof was on, the walls were obliged to be pulled down and rebuilt.

No. 8.—The sashes have been made, doors and sashes hung, and walls plastered. The cottage is occupied.

No. 12.—The bricks have been made and burnt, the door and window frames made, and rafters cut.

No. 13.—The bricks have been made and burnt, the door and window frames made, the walls built, roof put on and thatched, and plastering done.

No. 14.—The bricks have been made and burnt, the door and window frames made, walls built, rushes and rafters cut and carted, roofing put on and thatching done; the walls have been plastered.

No. 15.—The bricks have been made and burnt, and the door and window frames have been made.

No. 16.—The bricks have been made and burned, and the door and window frames made; rushes have been cut.

No. 17.—The bricks have been made and burned, and moved to the site of the cottage.

York Bridge.—Very nearly the whole of the timber required for this work has been cut; but it cannot be carted for want of horses to draw the timber whim.

Pensioners' Cottages, St. Ronan's Well.—30,000 bricks have been made andburned.

Beverley Road.—Two bridges have been finished and three miles of road cleared. The road is not quite open to Yangedin, eleven miles from York. This party has been very small indeed, and they took some time to hut themselves.

Guildford Road—A bridge has been built and three culverts made. Huts for thirty men have been built. Two large fields, through which the road passes, have been fenced on both sides of the road.

Toodyay.—The number of men at this depôt and its out-stations have been

—	R. S. & M. including Instructing Warders.	Ticket-of-Leave Men.		
		Greatest No.	Least No.	Average No.
Toodyay Station - -	3	64	41	55
Guildford Road - -	0	18	10	14
Northam Road - -	0	20	3	15

Sa. Superintendent's Quarters.—The walls have been finished. The roof has been put on, battened and shingled nearly. The privy has been built, and completed as far as the battening. Some of the doors are made. The ground about the building has been levelled.

Sappers' Quarters.

1 and 2.—The verandah floor has been laid with bricks, and the front verandah posts have been painted.

3 and 4.—The plastering and shingling have been done; saddle boards have been fixed; mantle pieces have been made and fixed; part of the verandah of the room used as a store has been boarded in, to contain iron.

Chaplain's Quarters.—Foundations for this building have been taken out, and timber is being sawn and shingles split for it.

Incidentals.—The warders' garden has been fenced.

A bridge has been made across the gulley which lies between the Commissariat and Sappers' quarters and the depôt buildings.

The useless old huts on the grant have been pulled down.

Mantle pieces have been made and fixed in the infirmary, and skirting boards prepared.

A drain has been made through the depôt yard.

The gutters round the depôt and the floor and steps have been repaired.

A drain has been made in the gaol yard.

Skirting boards have been made and fixed in the gaol and cottage.

Commissariat Quarters.—Sashes have been made and hung.

Pensioners' Cottages.

No. 1.—The walls have been built, the materials for the roof prepared, and the roof put to and thatched. The floors have been laid, and the house plastered.

No. 2.—The walls have been built, the rushes and rafters cut, the roof put on and thatched: the walls have been plastered, and the floors laid.

No. 3.—The walls have been built, the rushes cut and carted, the roof put on and thatched, the plastering and flooring done.

No. 4.—The walls have been built, the roof put on and thatched, the floor laid, and the plastering done.

No. 5.—The walls have been built of stone from the foundations, the roof put on and thatched; the floor laid, and the walls plastered.

No. 6. The walls have been built from the foundations, the roofing materials cut and carted, and the roof put on and thatched, the floors laid and the cottage plastered.

Nos. 7, 8, 9, 10, 11, and 12.—The doors have been hung, and the locks and bolts fixed. All but No. 12 have been painted.

No. 13.—The walls have been built, the roofing materials cut, and the roof put on and thatched, and the flooring and plastering have been done.

Guildford Road.—About 500 yards of this road has been made, but there have been no men to work on it for some months.

Northern Road, West Bank.—The mile boards have been made and fixed, and about a quarter of a mile round Mr. Sewell's farm cleared.

Northern Road, East Bank.—About 1,000 yards of this road have been formed and drained. This includes one heavy cutting. The party was very small, and finally was reduced to nothing about the beginning of June.

Northern Bridge.—All the heavy timber is now cut and carted to the bridge site; about eight of the piers have been made; but the work is stopped since June, for want of carpenters, or money to pay them.

Repairing Roads.—The Guildford and Northern roads have been repaired as far as the strength available would permit, the drains cleared out, and the bridges kept in order.

I have, &c.

(Signed) E. F. Du Cane,
Lieutenant, R.E.

The Hon. the Comptroller General,
&c. &c. &c.

No. 14.

Lieutenant Crossman's Report for Period ending 30th June 1855.

Royal Engineer's Office,
Albany, King George's Sound, July 3, 1855.

Sir,

I have the honour to report, that during the 30th June the following works have been carried on under my superintendence.

All the buildings connected with the Convict Department mentioned in my last half-yearly report as in progress have been completed and handed over to the Commissariat Department.

The depôt, cook-house, and hospital have been surrounded with a stone wall, and thus are kept separate from the commissariat property, the engineer shops, and the Sappers' quarters.

The brickwork of the Commissariat store 50′ × 20′, commissariat office 14′ × 20′, and quarters, consisting of one room 14′ × 20′ and two rooms 12′ × 20′, has been completed, the flooring joists of the store laid, and the frame work and rafters of the roof of the whole building fixed.

As the Commissariat Department had purchased a boat for the convenience of water transport, I was enabled to send ticket-of-leave men to the south side of the Princess Royal Harbour, to burn part of the lime required for this building. The lime so obtained is much better than that formerly supplied by contractors, and burning our own lime will cause a

considerable diminution in the expense of any buildings required in future to be built by this department.

I endeavoured at first to get the timber required for this building sawn by ticket-of-leave men from the depôt, and sent out the best men I had into the bush for that purpose, but I found they were not fit for the work, and the timber they cut was hardly worth the expense of cartage.

As men who can saw at all well can obtain good employment almost anywhere in the colony, it is not to be expected that they will remain in depôt; and the expense of this item in any future buildings could only be diminished by sending down a party of probation men who have been accustomed to the work.

During the half year a few casual repairs and additions to some of the buildings have been found necessary. The dust came through the roof of the Sappers' quarters so much (drifting between the shingles), and rendered them so uncomfortable, that I deemed it advisable to have the rooms ceiled; a partition has also been put up in the locker, in order to render part of it available for men confined under long sentences of imprisonment.

The road between the King and Kalgum rivers has been opened, a bridge of about 20′ span has been constructed across a neck on the line, and a long causeway has been made across a boggy valley. The approaches to the Kalgum Bridge, particularly that on the left bank, required a great deal of labour, but have now been made good. The men are now employed clearing the line from the King Bridge towards Albany.

The Kalgan Bridge, with a length of roadway of 156′, has been completed by the contractor, and is a very substantial work. The construction of these bridges (viz. King and Kalgan), and cleaning of the road, has already produced good effects, as forty acres of land on the Palluness River have been broken up, and sown with wheat, during the last season, which I am sure would never have been done if there had been no other road from that district to Albany than the old line by Nooribus.

The Wilson's Inlet Road, as far as the ten mile on Torbay River.—A great deal of labour will be required to make this road good, and a long bridge will be required over the river; and as the party is now reduced to six men, the only thing that can be done will be to clear a rough track to Marralup, and then bring back the party to Albany till more men can be spared. The work done by this party has been of the roughest description, and calls for no particular remark.

The Albany Road party since the 1st January have opened forty-eight miles of road; viz., from two miles on the Perth side of Lake Matilda to the gulley eleven miles from Albany. Some parts of the clearing have been very heavy; bridges have been made across the Mount Barker Creek, the eight-mile (from Mount Barker) gulley, and the Chookump Creek. The boggy places have been drained, as far as were seen at the time; but on their return the party will drain such places as were not remarked during the summer, and where the water has since been found to lodge after heavy rains. The average strength of the party during the half year was about twenty-five or thirty men. The men have been paid by taskwork, so as to earn about 1*s.* 3*d.* per diem, but latterly have earned more, as they became accustomed to the work. They have worked steadily and well.

One division of the party is now employed making good the causeways and bridges at the eleven-mile gulley, and the other clearing on towards Albany, having about seven miles to open before the road is completed. This work will I hope be finished by the middle of August, when the party will be sent back to drain those parts of the road which have been found to require it during the winter, and to make good any parts which may be found deficient.

I have the honour to inclose a paper relative to the question of the necessity of a hiring depôt in this district.

I have, &c.
(Signed) W. Crossman,
Lieut. Royal Engineers.

The Hon. the Comptroller General,
&c. &c.

WESTERN AUSTRALIA.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor KENNEDY.

(No. 25.)

SIR, Downing Street, June 12, 1855.

* Page 38.

I HAVE received your predecessor's Despatch, No. 26*, of the 20th of February, relative to the principle on which the charge to the Indian Government for European convicts received from India is to be calculated.

The charge should include the value of rations, superintendence, and clothing; but it will be unnecessary to enter upon the consideration of the value of prison accommodation and of tools. On re-conviction from holding tickets-of-leave, the expenses of convicts from India will still be fairly chargeable to the Indian Government.

I have, &c.
(Signed) J. RUSSELL.

Governor Kennedy,
&c. &c.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor KENNEDY.

(No. 27.)

SIR, Downing Street, June 23, 1855.

I ENCLOSE for your information and guidance an order passed by Her Majesty in Council on the 6th of the present month, for removing certain doubts which had arisen in the East Indies respecting the competency of the courts of justice to transport military offenders sentenced under the Mutiny Act of India without the authority of an Order in Council passed expressly for that purpose.

I need scarcely state that the number of convicts who may be sent to Western Australia under this Order in Council must, from the circumstances, be extremely limited, nor am I aware that there is any pressing occasion at present for it, the object being merely to supply a technical deficiency. I do not think it necessary, therefore, to give you any special instructions respecting such convicts.

I have, &c.
(Signed) J. RUSSELL.

Governor Kennedy,
&c. &c.

Encl. in No. 2.

Enclosure in No. 2.

At the Court at Buckingham Palace, the 6th day of June, 1855,

PRESENT,

The Queen's most Excellent Majesty in Council.

WHEREAS, by an Act passed in the thirteenth year of the reign of Her Majesty, intituled "An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service "of the East India Company, and for regulating in such Service the Payment of Regimental "Debts, and the Distribution of the Effects of Officers and Soldiers dying in the Service," it is, amonst other things, enacted that Her Majesty may by any order or orders to be by Her from time to time made, with the advice of Her Privy Council, appoint any place or places beyond the seas within Her Majesty's dominions to which felons and others may be conveyed;

And whereas it is expedient that provisions should be made for the transportation of offenders sentenced under the provisions of the said recited Act;

Now, therefore, in pursuance and exercise of the powers vested in Her Majesty by the said Act, Her Majesty, by and with the advice of Her Privy Council, doth order, and it is hereby ordered, that from the ninth day of June in this present year Her Majesty's settlements in Western Australia shall be places to which felons and other offenders sentenced to transportation under the provisions of the said Act shall be conveyed.

And the Right Honourable Lord John Russell, one of Her Majesty's principal Secretaries of State, and the Commissioners for the Affairs of India, are to give the necessary directions herein accordingly.

(Signed) C. C. GREVILLE.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. Sir WILLIAM MOLESWORTH, Bart., to Governor KENNEDY.

(No. 4.)

SIR, Downing Street, September 20, 1855.

I HAVE had under my consideration Governor Fitzgerald's Despatch, No. 41, of the 16th of April last, accompanied by the reports of the protectors of aborigines for the year 1854.

The outrages which appear to have been committed in the York district by the holders of tickets-of-leave or conditional pardons upon the persons of natives, can only be viewed with serious regret and displeasure. I trust that in any case of the kind which can be brought home to the offender he will not fail to be punished with the greatest rigour which the law will allow. I cannot omit to note with satisfaction the humane endeavours made by Mr. Viveash, at great personal exertion, to succour a native, who had in one of these instances been barbarously treated by the holder of a conditional pardon. You will instruct the protectors that in future cases of ill-treatment of natives by white men who have been convicted of the offence, they should report the punishment inflicted upon the offenders. It will be your duty as Governor to do all in your power to render the punishment of them exemplary, and above all to make the class of convicts, since they are more immediately under the controul of the Executive Government, sensible that unmanly and cruel treatment of the weaker race of men inhabiting Wesrern Australia will be visited upon them with the utmost severity.

I am glad to perceive that upon the whole the accounts which the protectors are able to give of the state and progress of the natives are not unsatisfactory; and I have no doubt that you will give all the assistance in your power towards promoting their education and general improvement.

I have, &c.

Governor Kennedy, &c. &c. (Signed) W. MOLESWORTH.

No. 4.

No. 4.

COPY of a DESPATCH from the Right Hon. Lord PANMURE to Governor KENNEDY.

(No. 7.)

SIR, Downing Street, October 24, 1855.

I HAVE had under my consideration your predecessor's Despatch, No. 33*, of the 9th of March, containing a representation of thei mportance of the depôts which at present exist for convicts at a distance from the capital of the colony.

* Page 38.

I readily admit that it is a benefit to disperse the ticket-of-leave holders into various districts, and to afford a reasonable encouragement to settlers in different parts of the colony to engage their services. On the other hand, the depôts used for this purpose should not be so multiplied as to create an excessive expenditure, or to degenerate into mere hospitals and places of punishment for the servants of a few neighbouring proprietors. Between these two conflicting considerations, it will be for you, in the exercise of your discretion, to choose the middle and the suitable course.

Hitherto a number of convicts little exceeding 2,000 has cost this country upwards of 80,000*l.* per annum. This rate of expenditure Her Majesty's Government felt bound to endeavour to bring within more moderate limits, and if no other means could be found for the purpose, Her Majesty's

WESTERN AUSTRALIA.

Government were of opinion that it must be accomplished by relinquishing some of the outlying stations. The whole subject, however, is one on which Her Majesty's Government will be prepared to give due weight to such opinions as you may offer, after having carefully examined the subject on the spot, bearing in mind the necessity of all proper economy, but paying regard at the same time to the means of maintaining the discipline and of providing for the welfare of the convicts, and of duly consulting the convenience of the inhabitants of the colony.

I have, &c.
(Signed) PANMURE.

Governor Kennedy,
&c. &c.

No. 5.

No. 5.

Copy of a DESPATCH from the Right Hon. Lord Panmure to Governor Kennedy.

(No. 9.)

Sir, Downing Street, October 25, 1855.

* Page 41.

I have had under my consideration your predecessor's Despatch, No. 36,* of the 19th of March last, accompanied by a list exhibiting the remissions of time which he had accorded to the convicts arrived from Gibraltar by the ship "Ramillies," in accordance with the usual scale.

I approve of your predecessor's having placed these prisoners on exactly the same footing as if they had been transported from one of the convict prisons in the United Kingdom, instead of from the convict prison at Gibraltar.

It is not probable, at present, that any more convicts will be transported direct from either Gibraltar or Bermuda, but should such an occurrence take place, you could not err in allotting the same remissions of time to them as to the prisoners transported from this country under similar circumstances, except in cases where you were specially instructed that the men had been detained an additional time in prison on account of misconduct.

I have, &c.
(Signed) PANMURE.

Governor Kennedy,
&c. &c.

No. 6.

No. 6.

Copy of a DESPATCH from the Right Hon. Lord Panmure to Governor Kennedy.

(No. 14.)

Sir, Downing Street, October 26, 1855.

42.

I have received your predecessor's Despatch, No. 60*, of the 18th of June last, reporting a further reduction in the scale of prisoners' rations.

Adverting to the unanimous opinion of the board of officers who investigated the subject, as well as to the reasons on which their conclusions are founded, I approve of the reductions which your predecessor caused to be carried into effect.

But I cannot equally agree with the last suggestion of the board, that when the convicts are established in the new prison, the allowance of tea should be discontinued. At almost all the principal prisons in England tea or cocoa is given; with most men, especially when they are deprived of stronger stimulants, tea is a favourite beverage; it is a harmless indulgence, and may tend to keep up in the men a better taste than that for intoxicating drinks. You will be at liberty to vary the issues of this article with cocoa, or even with an occasional though much rarer substitution of gruel, if this be really considered by the medical officers a change indispensable for health; but I do not think it desirable that the use of tea should be discontinued.

I have, &c.
(Signed) PANMURE.

Governor Kennedy,
&c. &c.

WESTERN AUSTRALIA.

No. 7.

No. 7.

Copy of a DESPATCH from the Right Hon. Lord Panmure to Governor Kennedy.

(No. 10.)

Sir, Downing Street, October 29, 1855.

I have received your Despatch, No. 2*, of the 17th of August last, respecting the salary of 5*s.* per diem allowed to Dr. Galbraith, as principal medical officer of the convict establishment.

* Page 57.

This salary was proposed from the colony, on the last convict estimate, as a new item, without any explanation or reference to the authority under which it had been introduced. Seeing that it was authorized by the Despatch from this office, No. 10, of the 22d of July 1854, and especially considering that Dr. Galbraith's services appear to be so useful to the public, you may consider the charge as sanctioned. It will be provided for in the estimate for next year, together with the arrears requisite for defraying Dr. Galbraith's services for the year now current.

The regulations and forms of return established by Dr. Galbraith do him much credit, and appear well calculated to ensure efficiency in the service placed under his charge.

I have, &c.

Governor Kennedy, (Signed) PANMURE.
&c. &c.

No. 8.

No. 8.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Kennedy.

(No. 1.)

Treasury, 21st Nov. 10,789.

Sir, Downing Street, November 21, 1855.

I have received your predecessor's Despatch, No. 74*, of the 6th of July, inclosing a list of prisoners and ticket-of-leave men, who are represented as unable from physical infirmity to earn their own livelihood.

* Page 54.

I have to acquaint you that according to the decision of the Lords Commissioners of the Treasury in the case of prisoners in Van Diemen's Land, which is equally applicable to Western Australia, the colony should not be subject to any demand for the maintenance in convict hospitals or invalid depôts of persons sent out as convicts, who either at the time of their arrival in the colony or when they ceased to be employed in compulsory labour on public works, were incapacitated from age, or organic disease, or mental or bodily infirmity from supporting themselves by labour.

A copy of the list received from your prdecessor will be communicated to the Home Department, in illustration of the necessity of endeavouring to provide for such a medical inspection of convicts selected for transportation as shall prevent the sending out men who, from mental or physical disabilities, will remain after reaching the colony a permanent burthen on the funds of this country.

I shall be glad to receive a report from you on the necessity of the proposed establishment of an invalid depôt and lunatic asylum, and should it be your opinion that such a measure is wanted, it will be proper that you should furnish plans of the required buildings and an estimate of the cost of constructing them and of maintaining the establishment. I have at the same time to state that if it should be possible to adapt some building already in existence to the required purposes, that course should be followed in preference to incurring the expense of erecting new buildings.

I have, &c.

Governor Kennedy, (Signed) H. LABOUCHERE.
&c. &c.

WESTERN AUSTRALIA.

No. 9.

No. 9.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Kennedy.

(No. 5.)

Sir, Downing Street, December 12, 1855.

I have received your Despatch, No. 12, of the 5th of September last, accompanied by an application for a free passage to the wife and family of a convict named Denis Metheringham.

In the Comptroller General's report for the half year ending June 1853, transmitted by your predecessor on the 20th of December, 1853, he justly remarked that it was most inexpedient that the families of convicts should be sent out so soon as to arrive before the men had obtained their tickets-of-leave, and were in a condition to maintain those dependent upon them. I must, however, point out to you that this important object can be far better secured by means of the local officers taking care not to transmit recommendations until the time is come when they could be properly carried into execution, than by indiscriminately forwarding to this country long lists of men, including some whose families might be sent out at once, and others whose families ought to wait for various and sometimes long intervals of time. In the present instance, a family has actually been recommended which ought not to reach the colony until the autumn of 1857, or about two years after the date of the recommendation in their favour. It can hardly be necessary to remark that in the interval the convict may die, or may be guilty of misconduct wholly unfitting him for the indulgence of being joined by his family, or may become disqualified for providing for their support. I have to instruct you that in future only the names should be sent home of those convicts whose families may be forwarded to the colony as soon as they can be got together after the receipt of the recommendation. In the present instance no steps will be taken to send out Metheringham's family until he has again been recommended by you at the proper period for the purpose. Both in his case, and in that of any other convict who may have been recommended at so much too early a period, it will be for the Comptroller General to take care that the men are not misled into expecting the arrival of their families before the time when, in accordance with his opinion above referred to, the people can be sent out with propriety.

I have, &c.

Governor Kennedy, &c. &c. (Signed) H. LABOUCHERE.

No. 10.

No. 10.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Kennedy.

(No. 8.)

Sir, Downing Street, December 14, 1855.

* Page 217.

With reference to my Despatch, No. 1*, of the 21st ultimo, on the subject of a list of forty prisoners and ticket-of-leave men who have proved unable from physical infirmity to earn their own livelihood, I enclose for your information an extract of a Report from the Chairman of the Directors of Convict Prisons, containing some explanations on the subject.

You will perceive that the particular cases referred to could not be satisfactorily investigated, owing to the omission which has been noticed in other Despatches to your predecessor, of any exact references to names and particulars in the cases complained of. It is scarcely necessary to observe that whenever occasion arises for complaint, all the details necessary for examining into the case should be duly stated.

I have, &c.

Governor Kennedy, &c. &c. (Signed) H. LABOUCHERE.

Enclosure in No. 10.

EXTRACT of a REPORT from Colonel JEBB to W. MASSEY, Esq.

"45, Parliament Street, November 19, 1855.

"I have to acknowledge the receipt of your letter, dated the 16th instant, transmitting, by direction of Secretary Sir George Grey, for my perusal and report, the enclosed letter from the Colonial Office, forwarding a despatch from the Governor of Western Australia respecting convicts who, from mental or bodily infirmity, are incapable of earning their livelihood by labour, and requesting that measures may be taken for providing for a more strict medical examination of prisoners selected for transportation to that colony.

"In reply, I would beg to state that the list of 40 convicts reported as physically incapable of earning their own livelihood seems to comprise some of the earlier convicts sent out to Western Australia, and that among them I apprehend there are many sent out from Bermuda or Ireland.

"Out of the 40 it is stated in the list that 15 are incapable from partial loss of sight, and seven from chronic rheumatism, &c., both of which are diseases incident to the climate.

"If these 40 comprise all the incapables out of the whole number embarked, it would appear a small proportion, as 2,832 have been embarked from England alone.

"The convicts from the English prisons have been carefully selected by the medical officers for embarkation, and ought to be examined by the surgeon superintendent of the ship before being embarked, whose duty it is to reject any that he may consider unfit for the voyage, &c.

"Having omitted to state what prisons the convicts came from, or the names of the ships they sailed in, reference cannot be made for the purpose of making remarks on individual cases, but I will take care that instructions are given that great care be taken by the medical officers in selecting those convicts only for Western Australia who would, on arrival, be fit for work in the colony."

No. 11.

No. 11.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor KENNEDY.

(No. 10.)

SIR, Downing Street, December 24, 1855.

I HAVE received your Despatch, No. 3*, of the 17th of August last, accompanied by a letter from the Comptroller General of Convicts, appealing against a supposed disallowance of the provision for the offices of visiting magistrates.

* Page 68.

There appears to be some misconception on the subject.

The Duke of Newcastle announced, in a Despatch, No. 28, of the 28th of February, 1854, that a sum of 6,000*l.* would be contributed from this country towards the expenses of the land police, and a fixed amount of 1,000*l.* towards the expenses of the magistracy, leaving all additional charges for either service to be defrayed by the colony. In the next estimate, however, from the colony, the Governor estimated for a grant of 8,017*l.* towards the expenses of land police and magistracy, and for a separate grant of 715*l.* for the support of visiting magistrates. He was at once informed (in a Despatch, No. 13, of the 13th of April, 1855) that this could not be allowed. But Her Majesty's Government were so far from refusing to provide for the salaries of visiting magistrates, that he was expressly instructed that these must be the first services to be defrayed by him out of the grant of 1,000*l.* made by Parliament. The following are the words used in the Despatch :—"The fixed sum of 1,000*l.* will "be adhered to, out of which you will defray the necessary pay and allowances "of visiting magistrates; and only the surplus can be made available towards "meeting the charge of other magistrates."

An error, therefore, has been committed in treating the salaries of the visiting magistrates as disallowed, and having, as I must presume, applied the amount voted by Parliament for this purpose to the support of other magistrates, whose duties are less immediately connected with the convict department.

Under these circumstances, it will be necessary next year to provide in arrear for the salaries of the visiting justices for the year now current, and inasmuch as the present instructions cannot be expected to arrive in time to enable you

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to provide from colonial funds for the other magistrates, whose salaries were supposed to be payable out of the Parliamentary grant, besides that the state of the colonial finances appears to be such as could ill bear the addition of any sudden and unexpected demand, I shall be prepared to apply for such a vote towards the support of the magistracy next year, as will materially assist in paying the salaries of other than visiting magistrates. For this purpose the whole amount of the vote proposed for police and magistracy will be 8,500*l.*, being 1,500*l.* more than is intended to be the establishd rate; but after the financial year ending on the 31st of March, 1853, the estimates submitted to Parliament for these services will again be reduced to 7,000*l.*, viz., 6,000*l.* for police, and 1,000*l.* for the magistracy.

I have, &c.
(Signed) H. LABOUCHERE.

Governor Kennedy,
&c. &c.

No. 12.

No. 12.

EXTRACT of a DESPATCH from the Right Hon. H. LABOUCHERE, to Governor KENNEDY, dated Downing Street, January 1, 1856.

(No. 1.)

* Page 47.

"I HAVE received your predecessor's Despatch, No. 61*, of the 18th of June last, submitting for the Royal allowance 18 Acts (Nos. 1 to 18 inclusive) which were passed by the Legislative Council of Western Australia, and assented to by him in the month of April last.

"I have to acquaint you that I have laid before the Queen the Acts of the series of which the numbers, dates, and titles will be found in the accompanying list, and that Her Majesty has been pleased to approve and allow the same. You will accordingly communicate Her Majesty's decision on these enactments to the inhabitants of the colony under your government, by a proclamation to be published in the usual and most authentic manner.

"You will perceive that I have advised the Queen to approve the Ordinance No. 1, to 'Regulate the Forms to be observed by Pardoned Convicts prior "to their leaving the Colony,' but I should be glad to receive your opinion whether you regard it as sufficient in its provisions to meet the object for which it was passed, as it appears to me that there is nothing therein contained to prevent a ticket of leave holder, if personally unknown at the port of embarkation, from embarking on board a ship leaving the colony, without exhibiting any document in proof of his right to do so, though possibly there may be some local regulations already in force which may tend to prevent such an occurrence."

No. 13.

No. 13.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor KENNEDY.

(No. 2.)

SIR, Downing Street, January 25, 1856.

SINCE I assumed the seals of this department I have had before me your predecessor's Despatch, No. 67, of the 2d of July last, relative to the continuance of free immigration. I have also referred to his previous Despatches, Nos. 34 and 35, of the 10th and 16th of March, upon the same subject.

Upon the matters of detail involved in these Despatches it is unnecessary for me now to give any directions. The important question is the continuance of emigration.

There can be no doubt that in 1848 an offer was made to send to colonies receiving convicts as many free people as the convicts they received, and that the intention of following this course was extended to Western Australia, when, two years afterwards, that colony became a place of transportation.

WESTERN AUSTRALIA.

No. 13.

I wish freely to state at the outset that Her Majesty's Government assent to the proposition, that this country ought to send out free emigrants in that proportion so long as the colony needs and can provide for them. But the difficulty which has arisen is, that owing to want of employment large numbers of the emigrants sent out by Her Majesty's Government have been unable to earn their subsistence, and have consequently become chargeable to the funds of this country for their support.

Your predecessor urges that, notwithstanding this fact, the emigration ought to be carried on irrespective of the demand for labour, and indeed that one fourth of the funds asked from Parliament for the purpose of conveying emigrants to Western Australia should be made applicable to maintaining them after their arrival.

I am sure that you will perceive, and that the inhabitants of the colony will perceive on reflection, that this proposal is inadmissible, and that its adoption could only do injury to the community. Her Majesty's Government are anxious to fulfil most fully any expectation entertained at the time when the introduction of convicts was applied for by the colonists, and agreed upon in this country. They are willing, as was stated in Sir George Grey's Despatch, No. 27, of the 16th of September, to send out emigrants to Western Australia, provided they are wanted there. They have already sent several ships laden with emigrants, as more particularly set forth in the extracts I send you of a Report which the Emigration Commissioners were desired to furnish on this subject. But to send out independent people at a large expense from England to Australia, in order to make paupers of them, and incur another large expenditure for their maintenance, would be contrary to all reason. Nor could it be done without gross injustice to the labourers so removed. They can only be supposed to forsake their homes, and proceed to a distant country, in the hope of bettering their condition; and it cannot be believed that, if duly apprised of the improbability of obtaining advantageous employment, they would accept the passage offered by Government. Moreover the labouring population already in the colony would be injured if, at a time when labour is already in excess, fresh numbers of hands continued to be poured into the colony by public grants, thus rendering the means of earning a livelihood still more precarious.

17th Sep. 1855.

These are the objections to sending emigrants when not required. You will clearly understand that I should be most desirous to send them out whenever they are really wanted.

Seeing that a long time has now elapsed since any were despatched, and that the number of convicts sent out has been small, I shall be prepared to make the experiment of sending another ship with free emigrants. And whenever you can report that they would have a good prospect of thriving in the colony, I shall be quite ready to send more, but with the understanding that if the Colonial Government should be mistaken in its calculations, and that the emigrants should be chargeable for maintenance after arrival, the expense must be borne by the colony. In this manner the expectation originally entertained when convicts were first introduced into Western Australia will be satisfied according to the spirit of the engagement reasonably understood. And I shall be very happy if in time the resources of the colony so develop themselves, that it can absorb with advantage, instead of with detriment to various classes of its inhabitants, a number of free immigrants entirely equal to the number of convicts introduced from this country.

I have, &c.
(Signed) H. LABOUCHERE.

Governor Kennedy,
&c. &c.

Enclosure in No. 13.

Encl. in No. 13.

Extract of Report from the Colonial Land and Emigration Commissioners, dated 17th September 1855.

In July 1848 Lord Grey first announced the intention of Government to send to colonies receiving convicts, "as nearly as they might find practicable, a number of free "persons equal to that of the male convicts received in each colony;" and his Lordship

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further stated that a parliamentary vote had been taken for the purpose, and that the vote would be expended in sending four different classes of emigrants, namely,—

1st, the wives and families of well-conducted convicts:

2d, those of military pensioners going out as convict guards:

3d, females selected from union workhouses: and,

4th, with any balance that might then remain, free emigrants, selected under our ordinary rules.

And we may here point out that it has never been suggested to interfere with the emigration of the first two classes, nor of the very limited number of the 3d class which, we may add, is desired in the colony. It was the emigration of the last class that we suggested should be retarded.

As the amount to be expended in this emigration was uncertain, depending on the number of male convicts sent out, no specific sum was mentioned in Lord Grey's circular. But for this service there was voted in 1849 and the following year, 30,000*l.*, reduced in 1851 to 20,000*l.*, in 1852 to 15,000*l.*, and this year to 10,000*l.* For some time the vote was divisible between Van Diemen's Land and Western Australia, the former colony absorbing by far the larger portion; but since the cessation of transportation to Van Diemen's Land that colony has shared in the vote to a less extent, and only for conveying the families of a few well-conducted convicts recommended for the indulgence by the Governor, a description of claim which will yearly diminish, so that nearly the whole vote may now be treated as available for Western Australia.

It has not hitherto been the practice to place this vote to our credit, and consequently we are unable to supply any general statement of its appropriation, but we can state what has been done through this Board in sending to Western Australia emigrants of the two last classes, and we think it will be seen that if a larger number had been sent the emigrants and the colonists would both have complained.

We annex a return of all the ships we have despatched, beginning with the "Sophia," in April 1850, and ending with the "Berkshire," in December 1854. The "Sophia" carried 246 souls, who "arrived all well, and conduct reported generally good;" of these emigrants Mr. Fitzgerald wrote as follows:

"I confess, my Lord, I was not prepared for this importation, and when I inform your Lordship that the pensioners are still occupying, from want of employment, the only building we could rent, I acknowledge myself at a loss how to even house these emigrants, much less to support them in the absence of any demand for their labour, at least until harvest time, a period of two months. On consultation, however, with Captain Henderson I have determined under our peculiar difficulties and necessities to employ them, for rations only, in preparing the ground chosen for a site for our future convict depôt."

This certainly was not an encouraging commencement.

The "Sophia," however, was followed at an interval of twenty months by the "Mary," and at a further interval of three months by the "Raleigh." These were both small vessels, the first carrying only 121 and the last 163 souls. The "Mary's" immigrants, "with few exceptions, found ready employment at a fair rate of wages," but of those by the "Raleigh," who were admitted to be "of a very superior class and well "selected," only the mechanics speedily gained employment. The others three weeks after the ship's arrival were reported as being "gradually absorbed." The "Raleigh" was followed by the "Travencore," despatched on the 1st October 1852 with 221 souls, of whom about 90 were Irish female orphans, and by the "Palestine," despatched on the 30th November 1852, with 229 souls on board. Of the "Travencore's" immigrants, the immigration agent reported that the carpenters and agricultural labourers unencumbered with large families obtained ready employment, as did a limited number of young women, but he at the same time reported that in consequence of the large number of ticket-of-leave men then in the employ of settlers, any emigration beyond two or three shiploads a year would involve much misery and disappointment, as the free emigrants with families could not compete with convicts who had none, and that even of unmarried women 150 was the maximum that could be absorbed.

In this view the Governor coincided, and requested that the annual immigration might be limited to 150 single females and 300 adults, with their families.

The immigrants by the "Palestine," which vessel followed the "Travencore," arrived out there three months later, and they appear to have gone off at the same rate.

The "Sabrina," despatched in March 1853, after an interval of three months, was the next ship. She was rather a larger vessel, and carried 320 souls. She arrived at Perth on the 13th June 1853; and on the 30th of that month the immigration agent reported, "Instead of being hired from the ship as they expected, very few have as yet "met with employment, and nearly all of them have had to be taken into the depôt."

He further reported that the last arrivals were in an "unenviable position," as the existing rate of wages did not suffice to support families of six or seven children, and that the "demand for labour was amply supplied in consequence of the number of ticket-of-"leave holders and pensioners that have also been of late introduced," and therefore recommended "that shipments of free emigrants to this colony should be suspended for a time."

This

This intelligence did not arrive in time to stop the "Clara," which sailed with 326 souls in June 1853. She arrived on the 18th September, and it would appear that some of the emigrants were in the depôt as late as the end of December. The next ship, the "Victory," carrying only 241 souls, was not despatched until December, or six months after the "Clara." Two smaller ships, the "Esmeralda" and "Berkshire," each carrying about 200 souls, followed at intervals of six months. In one of the present despatches, it is stated that the "Esmeralda's" emigrants had been disposed of, but we have not yet heard of those sent in the "Berkshire," although nine months have elapsed since the despatch of that vessel.

It was in the "Victory" that Mr. Dodd, whose letter is complained of, acted as surgeon superintendent, and upon the receipt of the despatches announcing her arrival and that of the "Clara," and showing the difficulty experienced in disposing of their emigrants, we felt it to be our duty to submit to the Secretary of State the report of the 26th September last,* which has caused the authorities so much dissatisfaction. It will be seen that nearly the whole of Mr. Fitzgerald's earlier Despatch (of the 10th March) is in refutation of Mr. Dodd's statements, and we are bound to state that he appears to us to have explained satisfactorily the charge of negligence brought by Mr. Dodd against the colonial officers. But it will be seen from the 4th paragraph of our Report that it was not by this gentleman's authority, but by the statements of the colonial authorities, that we were led to recommend that the emigration should be retarded; and although the very efficient manner in which Mr. Dodd appeared to have discharged his duties (not a single death having occurred on the voyage, and the authorities having reported everything on board to have gone on satisfactorily) entitled his statement to consideration, we pointedly observed that it might probably be somewhat exaggerated. We therefore feel it unnecessary to examine the Governor's remarks on this head.

The statements of the authorities to which we refer are those which regard not only the length of time the people were on the hands of Government, but also the disappointment which some had expressed at not meeting with the advantages they expected; and the low rate of wages obtainable by free labourers, a rate it was said insufficient to support a large family. And if corroborative evidence of the propriety of our recommendation were needed, it would be found in the 14th paragraph of the Governor's Despatch of the 10th March, where the expense entailed upon the local Government for the maintenance in depot of the emigrants is complained of, and also in the later Despatch of the 16th March, in which Mr. Fitzgerald recommends that there should be set apart for that purpose one fourth of the whole parliamentary vote, to be increased by 1,000*l.* from the local funds, a recommendation which if acquiesced in would involve an expenditure of 3,500*l.* for the maintenance of emigrants, to be introduced at an outlay not exceeding 7,500*l.*

Having said thus much respecting the past history of the emigration, it follows to report upon the course now to be adopted respecting it.

Two questions are raised by the Governor's Despatch, first, the obligation of the Home Government to carry it on as a matter of good faith towards the colony, and next the mode in which it can be carried on with justice to others.

On the first point we can do little more than refer to the Despatch of Lord Grey already quoted, and to a later one of Sir G. Grey (of which a copy is enclosed in your letter of the 16th ultimo), in which he states that "Her Majesty's Government are "willing to send emigrants to Western Australia as a penal colony if they are wanted "there." The Despatches of the Governor appear to show that the colonists desire the immigration, both as a means of increasing their produce, and to counteract the moral influences of the influx of ticket-of-leave holders. But they also seem to show that the immigrants will probably be exposed to distress, and the Government to expense, if they are sent even at the slow rate of three ships in the year.

On the second point we are bound to point out the difficulties which exist in carrying out this pledge (if it be one) to the satisfaction of the colonists, and with justice to the emigrants.

It is evident from what has been already stated, not only that Western Australia is not so advantageous a destination for emigrants as the other Australian colonies, but that it is very questionable whether an ordinary English labourer improves his situation by going there. It is much to be feared that many of the emigrants have gone thither without being fully alive to the broad distinction which exists between that and the more favoured colonies, nor do we believe that we should be able to prevail upon efficient labourers to proceed thither from England or Scotland if they were made fully aware that it was a penal colony, in which, owing to the competition of the ticket-of-leave holders, the wages were not sufficient to maintain, according to the colonial standard of comfort, a family comprising more than four children; and this difficulty would be especially great at the present moment while so large an emigration is proceeding to other Australian colonies, and the demands of the war have increased the pressure for labourers in this country.

If, indeed, the personal influence of the colonists and of those connected with them in this country could be brought into play, it is possible that efficient persons might be attracted to Western Australia to join those on whom they would rely for guidance and assistance. But, viewing the emigration as it can be conducted by a Government Board,

* Vide Papers presented February 1855, Page 71.

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we can have little doubt that English or Scotch emigrants of a good class, if they had the case fairly brought before them, would decline to emigrate to Western Australia; and if they had not, would on their arrival feel themselves (and with justice) to have been deceived.

The case is different with the Irish emigrants. Their circumstances are worse at home, and there is among them a desire for emigrating which renders it impossible for us to send to the more favoured colonies all who wish to proceed thither. We think it probable that many of those whom we expect would in fact be bettered in their prospects by going to Western Australia, and would not be deterred from proceeding thither even by the knowledge of its comparative disadvantage, especially if the contributions required from them were reduced to an almost nominal rate.

We do not doubt that we could, without injustice to the emigrant, despatch to Western Australia two shiploads during the next twelve months of Irish labourers and their families, with a proportion of young women from the workhouses, and perhaps a few exceptional cases of English and Scotch.

We fear that such an emigration would be little acceptable in the colony, even though carried on at the expense of the Imperial Treasury; and we think that any proposal which might be made by the colonists, and which was calculated through their co-operation to give it a character more acceptable to themselves, should be very favourably considered. But until such co-operation can be brought to bear, the mode of proceeding, which we have above suggested, is the least unsatisfactory which occurs to us.

As we observe from the enclosures to your letter of the 14th instant that the single women sent out from Ireland have been very strongly objected to in South Australia, we ought to add that we should probably be able, if required, to send out two ships during the ensuing year to Western Australia without having recourse to the workhouse, but that there are two circumstances which distinguish the cases of Western and South Australia, first, that the infusion of male ticket-of-leave holders makes it peculiarly necessary to send out an increased proportion of females, and, secondly, that the present emigration is carried on at the expense of the Home Government and not of the colonists.

Sub-Enclosure in No. 13.

RETURN of SHIPS and EMIGRANTS despatched by Imperial Funds to Western Australia from 1851 to 1854.

Name of Vessel.	Date of Departure.	Date of Arrival.	Number of Emigrants Embarked.				
			Adults.		Children under Fourteen.		Total.
			Males.	Females.	Males.	Females.	Souls.
	1850:						
"Sophia" - -	27th April -	27th July 1850	104	91	30	21	246
	1851:						
"Mary" - -	22d December	26th Mar. 1852	49	49	10	13	121
	1852:						
"Raleigh" - -	11th March -	1st June 1852	57	42	35	29	163
"Travancore" -	1st October -	13th Jan. 1853	31	132	28	30	221
"Palestine" - -	30th November	28th April 1853	45	96	38	50	229
	1853:						
"Sabrina" - -	12th March -	13th June 1853	62	159	49	50	320
"Clara" - - -	7th June -	3d Sept. 1852	54	173	41	58	326
"Victory" - -	29th December	24th Mar. 1854	64	103	40	34	241
	1854:						
"Esmeralda" - -	24th June -	14th Oct. 1854	64	85	27	29	205
"Berkshire" -	3d December -	13th Mar. 1855	92	102	18	26	238
		Total - -	622	1,032	316	340	2,310

No. 14.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor KENNEDY.

(No. 7.)

SIR, Downing Street, February 5, 1856.

* Page 48.

I HAVE had before me your predecessor's Despatch, No. 62*, of the 19th of June, reporting the completion of one wing of the new prison, and ex-

plaining the reason why he had retained the use of Scott's premises for the convict department, whilst he mentions at the same time the want of a further supply of convict labour. I have also received your Despatch, No. 1, of the 17th of August, accompanied by a return of the available accommodation for convicts and of the numbers present.

I have submitted for the consideratiou of the Lords Commissioners of the Treasury the reasons reported by Governor Fitzgerald for his having continued for the present to make use of Scott's premises for the service of the convict department.

My attention has been attracted by the view which the present Despatches afford of the extent of vacant accommodation for convicts in Western Australia, and of the demand for their services. On the other hand, I have some reason to believe that in the new state of the law it has proved difficult to find in the prisons a ready supply of prisoners of the description which it is desirable to send out to the colony. Being very anxious, however, that at all events you should have more certainty on this subject than has hitherto been attainable, I have directed a letter to be written, of which a copy is enclosed, requesting the Secretary of State for the Home Department to cause a review to be taken of the present state of the prisons, and an estimate to be formed of the numbers of convicts that can be furnished for Western Australia, and of the periods at which they can be despatched, pointing out at the same time the expediency of sending out a supply of them at the earliest practicable moment.

February 9, 1856.

I have, &c.

Governor Kennedy, &c. &c.

(Signed) H. LABOUCHERE.

Enclosure in No. 14.

Encl. in No. 14.

Sir, Downing Street, February 9, 1856.

I am directed by Mr. Secretary Labouchere to transmit to you, for the consideration of Secretary Sir George Grey, the enclosed copies of two Despatches from the Governor of Western Australia relative to the number of convicts present in the colony, and to the demand for an additional number, in order to occupy the prison accommodation and to carry on the public works.

No. 62. June 19, 1855. Page 48.

In the former of the two Despatches the Governor states, that if the prisoners should be kept up to a force of 800 or 900 men, he fully expects to be soon able to surrender some premises which are now hired at a considerable cost; but if the prisoners be left at their present strength, it will require a much larger time to complete the building of the permanent prison.

No. 1. August 17, 1855. Page 56.

In his second Despatch, the Governor transmits a return of the accommodation and of the number of convicts on the 30th of June 1855. This return exhibits 492 vacancies at that date, but the letter from the Comptroller General, by which it is accompanied, contains a calculation that, on the 1st of March 1856, the vacancies for prisoners would amount to 653, besides available room for 300 ticket-of-leave men; or if not wanted for that class, for 300 prisoners beyond the amount of 653 above stated.

Since the date when the last-mentioned calculations were made by the Comptroller General only one more ship has been sent from England, viz., the "William Hammond," despatched on the 4th of January last with 198 prisoners and 52 ticket-of-leave men, making 250 convicts in all. This would leave vacancies in Western Australia at the present moment for fully 700 convicts.

I am next desired to request that you will call the attention of Sir George Grey to a statement herein enclosed of the total number of convicts sent to Western Australia in each year since the practice commenced in 1850. This statement will show a great irregularity in the numbers annually sent. In the four first years the average, per annum, was 727; in the two last years the average has only been 382, or even if the "William Hammond" be included, as if she sailed in 1855, 507.

Two inferences, it appears to Mr. Labouchere, may be drawn from the facts thus put together,—first, that the colony would well absorb a larger number of convicts than it has lately received, and that it would even for some time conduce to the permanent economy of the establishment that there should be stronger force of prisoners at work upon the construction of the new prison; and secondly, that whether or not a larger despatch of convicts will be convenient, with reference to the demand for clearing the prisons of this country and Ireland, it is at all events desirable that an attempt should be made to render the supply somewhat more regular and certain, and that for this purpose a review should be taken of the present state of the English and Irish prisons, and of the probable influx of fresh prisoners sentenced to transportation, in order that some clear notion may be conveyed to the colonial authorities of the number of convicts they may expect to receive.

I am to request, therefore, that you will submit these considerations to Sir George Grey and will move him to take such steps as may appear to him proper for endeavouring to

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form some estimate of the number of convicts to be sent out in the next twelve months, and the periods at which they can be sent, in order that the Governor may be authorized to take his measures on the spot accordingly. In so far as there may exist in the prisons convicts at this time ready for removal, Mr. Labouchere is of opinion, from the tenor of the Governor's reports, that the sooner they are sent out the better it will be for the public service.

Sir George Grey is aware that it is desirable to select, so far as is practicable, for removal to the colony men of good health and capable of performing hard labour, and also such as would in ordinary course have a period of at least eight or twelve months to remain in confinement before they become entitled to tickets of leave.

I have, &c.
(Signed) H. MERIVALE.

H. Waddington, Esq.,
&c. &c.

Sub-Enclosure in No. 14.

NUMBER of Convicts sent to Western Australia in the six years from 1850 to 1855.

Year.	Number of Convicts.
1850	384
1851	878
1852	442
1853	1,204
1854	280
1855	485

N. B.—The "William Hammond" has since been despatched, on the 4th of January 1856, with 198 prisoners and 52 ticket-of-leave men.

No. 15.

No. 15.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor KENNEDY.

(No. 8.)

SIR, Downing Street, February 14, 1856.

* Page 70.

WITH reference to your Despatch,* No. 8, of the 17th of August last, I have to inform you that I addressed a strong representation to the Secretary of State for the Home Department of the great harm which might be done by the appointment of men wanting in discretion and subordination to the office of religious instructor on board of convict ships. The Secretary of State for the Home Department has assured me that care will be taken in regard to all future appointments of religious instructors that they shall clearly understand that they must be strictly subordinate to the surgeon superintendent.

I have, &c.
(Signed) H. LABOUCHERE.

Governor Kennedy,
&c. &c.

No. 16.

No. 16.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor KENNEDY.

(No. 9.)

SIR, Downing Street, February 14, 1856.

* Page 220.
† Page 224.

WITH reference to my recent Despatch,* No. 2, of the 25th ult., on the question of continuing free emigration, and to my other Despatch,† No. 7, of the 5th February, apprising you that as there was a difficulty in procuring an immediate supply of convicts, I had addressed some general inquiries on the subject to the Home Department, I have to inform you, that seeing that some delay may thus occur before any more convicts can be procured, and that so long an interval has elapsed since any free people were sent out, I have felt that the present would be a favourable opportunity for trying the experiment of again despatching an emigrant ship of moderate size. I have instructed the Emigration Commissioners to take the necessary steps for the purpose, making as good a selection of the emigrants as circumstances will admit.

I have, &c.
(Signed) H. LABOUCHERE.

Governor Kennedy,
&c. &c.

No. 17.

No. 17.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Kennedy.

(No. 11.)

Sir, Downing Street, Feb. 29, 1856.

With reference to my Despatch,* No. 7, of the 5th of February, I have the honour to inform you that the Lords Commissioners of the Treasury have sanctioned the continued hire for the present of Scott's premises for the use of the convict department.

* Page 224.

I have, &c.

Governor Kennedy, &c. &c. (Signed) H. LABOUCHERE.

No. 18.

No. 18.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Kennedy.

(No. 12.)

Sir, Downing Street, March 18, 1856.

In answer to your Despatch,* No. 106, of the 18th of October last, I have the honour to state, that I see no reason for dissenting from your judgment, that it was desirable to remove all the native prisoners from Perth to their former place of confinement upon Rottnest Island.

* Page 112.

I have, &c.

Governor Kennedy, &c. &c. (Signed) H. LABOUCHERE.

No. 19.

No. 19.

Copy of a DESPATCH from the Right Hon. H. Labouchere to Governor Kennedy.

(No. 13.)

Sir, Downing Street, March 20, 1856.

I have had the honour to receive your Despatch,* No. 17, of the 18th of October 1855, accompanied by the estimates for convict expenditure in Western Australia for the financial year commencing the 1st of April 1856.

* Page 151.

The change which took place in the office of Governor, and the endeavours made to reduce the expenditure, sufficiently account for the delay in forwarding these estimates, but it will be desirable that they should hereafter be transmitted by a much earlier date, as on the present occasion it had become necessary to put the other estimates of the same class actually into type before these arrived.

I entirely approve of the minute of directions which you addressed to the committee of officers for reviewing the convict expenditure, and I observe that it has been followed by a decided improvement in the record of their proceedings. I have adopted the estimates forwarded by you, with the exception of a trifling re-arrangement in the classification of some of the salaries.

Your decision on the hiring depôt at Albany is, I have no doubt, quite sound. I shall give my best attention to the further report which you may make as to the question of maintaining the depôt at Port Gregory.

Although the papers do not supply me with sufficient details to form a specific judgment on the subject, I agree with you that the grant of extra rations to the value of 1,700*l.* to convict blacksmiths and sawyers appears a very questionable measure, and I hope that it will undergo your serious consideration.

With regard to books, I have to state that whilst I should wish to show every reasonable liberality in this respect, yet a very large and costly supply, even after making many reductions and changes in the demand from the colony, having been ordered in this country in June last, I cannot hold out any expectation that I shall feel at liberty at present to direct any further expenditure on this account.

I observe, at page 63 of the officers' proceedings, a remark that some of the materials and fittings demanded in former requisitions for constructing the new

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Encl. in No. 19.

prison gasworks, and for the water supply to the cells, had not been received in the colony. I shall cause inquiry to be made whether these requisitions have yet been executed, and I will apprise you of the result.

Enclosed is a copy of the form in which the Western Australia convict estimate will be submitted to Parliament.

A few words of explanation are necessary on the amount of the item of 9,021*l.* inserted for police and gaols. Of this amount 1,021*l.* is intended for water police, as proposed in your demand. The balance is 8,000*l.*, and this sum, combined with the various separate salaries which you have proposed under other heads for visiting justices, and which amount in the aggregate to 486*l.*, will constitute very nearly that excess of 1,500*l.* beyond the fixed and ordinary contribution for police and gaols which was announced in my former Despatch, No. 10,* of the 24th of December, as intended to be allowed for the present financial year.

* Page 219.

I have, &c.

Governor Kennedy, &c. &c.

(Signed) H. LABOUCHERE.

Enclosure in No. 19.

ESTIMATE of the Amount required to defray the Expense of 1,400 Convicts at Western Australia, for the Year ending the 31st of March 1857.

	£	£
Salaries and allowances for superintendence	13,926	
Do. do. religious instruction	1,138	
Do. do. medical treatment	1,053	
		16,117
Provisions for convicts and establishment	33,209	
Transport of provisions, stores, and convicts	2,934	
Fuel and light	1,888	
		38,031
Clothing, bedding, and prison stores		1,000
Buildings and repairs		5,983
Miscellaneous		1,758
Police, gaols, &c.		9,021
Apprehension of runaways		50
Wages and gratuities to ticket-of-leave men and pardoned convicts		3,448
		£ 75,408

No. 20.

No. 20.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor KENNEDY.

(No. 14.)

SIR, Downing Street, April 3, 1856.

* Page 107.

I HAVE received your Despatch,* No. 105, of the 18th of October 1855, accompanied by a memorial and certain resolutions adopted at a public meeting held at Perth upon the working of the convict system.

I gladly acknowledge the temperate spirit of these representations, and I shall endeavour, on the part of Her Majesty's Government, to put you fully in possession of the views which they hold on the subjects which you have brought under their consideration.

The gentlemen from whom the memorial emanates consider that some burthens which ought to be borne by imperial funds have been thrown upon the colonial treasury. First in order I will advert to the subject of police. The principle laid down has been that this country should contribute a proportion not exceeding two thirds of the whole expense incurred on account of police; and I see that it is admitted in one part of the memorial that this proportion is not unreasonable, but it is contended that the actual grant of 6,000*l.* is too small for the purpose. I cannot help thinking, however, that an expenditure of 9,000*l.* ought to be ample for the police of a country of which the whole population, including convicts, must still fall short of 10,000 persons. I observe that you have already discovered some evidence of mismanagement and undue expenditure in that department, and I trust that by watchful superintendence

on your part the provision which is at present made will be found quite enough to secure the efficient discharge of the duties of this branch of the public service. As an indirect proof that the amount applied to the purpose in Western Australia is not illiberal, I may mention that the imperial grant towards police and gaols in Tasmania was for many years 24,000*l.*, whilst the number of convicts ranged from twenty to thirty thousand. The contribution, therefore, was at the rate of about 1*l.* per head upon all the convicts in the colony. In Western Australia the average number of persons in the convict condition has not exceeded 2,000, so that the contribution of 6,000*l.* is at the rate of 3*l.* a head upon the number of convicts, or three times as much as was paid in Tasmania.

The building of gaols in different parts of the colony is alluded to in the memorial. On this subject I do not find any report from the Governor on record, but considering the very heavy payments which have been made from British funds for convict prisons in Western Australia, it is difficult to suppose that any more can remain to be fairly demanded from the country under that head. The contribution above referred to was all that was given in Tasmania for police and gaols taken together.

The memorialists complain that should a convict who has obtained a conditional pardon be sick or unable to gain his livelihood, the charge of his maintenance falls on the colony. On this point I am glad to think that the views of the memorialists have been to a great extent anticipated. By my Despatch,* No. 1, of the 21st of November last, you were informed that the rule established on this subject in Tasmania is equally applicable to Western Australia, and that the colony is not to be liable to any demand for the maintenance of persons sent out as convicts, who either at the time of their arrival in the colony or when they cease to be employed in compulsory labour on public works, were incapacitated by mental or bodily infirmity from supporting themselves by labour. You will find the correspondence in which this rule was settled for Tasmania in the parliamentary paper referred to in the margin.

* Page 217.

Paper on Convict Discipline, February 1849, pp. 231 & 279.

But I cannot equally accede to the proposition that all the expenses of the prosecution and punishment of any person who, after having received a conditional pardon, may commit a new crime, should be charged to the Imperial Treasury. A very large expenditure, of which the colony in various ways reaps the advantages, is undergone for the sake of giving offenders sent to Western Australia the opportunities of reform which are believed to attend the punishment of transportation. But when once they have received their pardons and are placed therefore on an equal footing with the rest of their fellow subjects, it has never been admitted in the case of any colony to which convicts have been sent, that this country should be chargeable with the pecuniary consequences of their subsequent actions.

The demand for a certain payment from the convicts in diminution of the expense of their conveyance to the colony, has been found a useful instrument of discipline, besides being a fair abatement of the heavy cost to this country of transportation; and I regret that I cannot hold out the prospect of being able to dispense with this payment. Nor can I assent to the statement that the enforcement of this payment can sensibly increase the rate of wages in the colony, and if its tendency is to compel habits of industry on the part of released convicts, the colony has a direct interest in the maintenance of the present system.

The memorial refers to the subject of free emigration. It is quite true it was intended to convey to Western Australia, at the cost of the Imperial Treasury, as many free emigrants as convicts, but when I addressed to you my late Despatch* upon this subject, No. 2, of the 25th of January, I overlooked one element in the question. I mentioned that 2,310 emigrants had been sent out by the Emigration Commissioners at the expense of the British Treasury, but I omitted on that occasion to notice that there had also been sent out in the convict ships military pensioners with their wives and families to the number of 1,476, making the total number of free people sent to the colony by British funds up to the end of 1855 amount to 3,786. The whole number of convicts sent out up to the same period was 3,661, so that the free emigrants have been rather in excess of the convicts. The memorialists urge that the number of adult emigrants ought to be equal to that of the convicts. But I must observe, first, that no such intention was ever expressed either as to

* Page 220.

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Western Australia or any other colony which has received convicts. Nor is it clear in what manner that rule would be an advantage to Western Australia. The benefit to be derived from free emigrants must be supposed to consist, first, in the supply of labour to those places where labour is wanted, and secondly, in the counterpoise to the moral effects of a large influx of convicts. But in Western Australia the supply of labourers has long been in excess of the demand of private employers, whilst so far as regards moral effects, the presence of a large body of young people, comprising equal numbers of both sexes and forming parts of respectable and well conducted families, must, with a view to the future condition of the colony, be considered quite as influential as that of persons of more advanced ages.

Without dwelling further on particular questions, I readily admit that the introduction of convicts into Western Australia was a matter of mutual convenience,—of convenience to this country by affording a favourable field for the reception of offenders sentenced to transportation; of convenience to the colony by the prospect of abundant labour; of the execution of useful public works by the convicts whose services were not wanted in providing for immediate objects of their own accommodation and discipline, and by the various legitimate advantages to be derived from a large imperial expenditure in a colony that had hitherto been very deficient.

Now, as regards labour, ample proof of its having been in excess of the demand is to be found in the fact that many able-bodied persons of good character have for considerable periods been chargeable to the public for want of employment. Indeed, one of the present resolutions bears fresh evidence to the same effect, for it proposes that convicts who have become entitled to their conditional pardons should nevertheless not be discharged without a reference to the demand of the labour market.

With respect to the execution of public works, it has of course been necessary that the convicts should first of all be employed in erecting buildings for their own reception, and in the other tasks requisite for their establishment in an entirely new situation; but subject to the demands for these indispensable purposes, it has throughout been the wish of Her Majesty's Government that they should be employed free of charge upon those undertakings which were most likely to develop the material prosperity of the colony. You are well aware that such is the desire of Her Majesty's Government, and I have no doubt that, subject to the necessity for not withdrawing the convicts from the works required in their own department, you will use your best endeavours to employ them in the manner most beneficial to colonial interests.

The truth probably is, however, that the comparatively limited number of prisoners must have somewhat curtailed the benefit to be derived in this manner. It is justly represented by the memorialists, and has also been felt by Her Majesty's Government, that the men selected for transportation ought to be of a serviceable description; they ought to be men who still have a substantial part of their sentences to serve, who are to remain a certain time in prison and on the public works instead of having a very early claim to a ticket of leave; who are healthy, and, if possible, capable of labour at some useful work. But when these conditions are put together, added to the effects of the recent change in the state of the law, it is found almost impossible to procure a supply of convicts for transportation as rapidly as would be required in order to carry into effect the views previously entertained respecting the Western Australian establishment.

* Page 224.

From my Despatch,* No. 7, of the 5th of February last, you will have learned that I had been in communication with the Home Department in respect to the number and class of convicts who may in future be available for transportation to Western Australia. I shall take the first opportunity to apprise you of the result; but in the meanwhile it is unavoidable that the diminished supply of convicts should both retard the progress of the prison buildings and also diminish the number of men available for colonial works.

The remaining subject is that of the amount of the imperial expenditure for transportation to Western Australia. From the commencement of the service at the end of 1850 up to the close of 1855 the number of convicts despatched to Western Australia was, in round numbers, 3,600. The sum total of the grants made by Parliament during the same period for the convict expenditure

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in the colony (exclusive altogether of the charge for transport, for guards during the voyage, and for free emigration) was 322,500*l.* This amount is inclusive, no doubt, of the charges for building prisons and for the numerous other works which are requisite at the creation of a new establishment, and which will not have to be repeated. But I cannot doubt that when it is seen that the outlay of British funds for local expenditure alone up to the present time has been at the rate of very nearly 90*l.* for every convict transported, the inhabitants of the colony will be sensible that while there is the fullest wish that they may derive every legitimate benefit from the imperial expenditure, it is on the other hand the bounden duty of Her Majesty's Government to discountenance all needless outlay, and to enforce upon all under their authority the observance of every economy compatible with the efficiency of the establishment and with the just claims of the colony. Subject to this necessary condition, I can assure you that it will always remain my wish to do everything in my power both to render the presence of the convicts conducive to the material prosperity of Western Australia, and at the same time to prevent its acting injuriously on the moral condition of the community.

Some statistical tables are appended in illustration of the facts to which I have had occasion to refer in the course of this Despatch.

I have, &c.

Governor Kennedy, &c. &c.

(Signed) H. LABOUCHERE.

Enclosure 1 in No. 20.

Encl. 1 in No. 20.

NUMBER of Male Convicts transported to Western Australia.

In the year 1850	384
„ 1851	878
„ 1852	442
„ 1853	1,192
„ 1854	280
„ 1855	485
	3,661

Enclosure 2 in No. 20.

Encl. 2 in No. 20.

RETURN of Ships and Emigrants despatched by Imperial Funds to Western Australia, from 1850 to 1854.

Name of Vessel.	Date of Departure.	Date of Arrival.	Number of Emigrants Embarked.				
			Adults.		Children under 14.		Total.
			Males.	Females	Males.	Females	Souls.
	1850						
"Sophia"	27th April	27th July 1850	104	91	30	21	246
	1851						
"Mary"	22d Dec.	26th March 1852	49	49	10	13	121
	1852						
"Raleigh"	11th March	1st June 1852	57	42	35	29	163
"Travancore"	1st October	13th Jan. 1853	31	132	28	30	221
"Palestine"	30th Nov.	28th April „	45	96	38	50	229
	1853						
"Sabrina"	12th March	13th June 1853	62	159	49	50	320
"Clara"	7th June	3d Sept. 1853	54	173	41	58	326
"Victory"	29th Dec.	24th March 1854	64	103	40	34	241
	1854						
"Esmeralda"	24th June	14th Oct. 1854	64	85	27	29	205
"Berkshire"	3d Dec.	13th March 1855	92	102	18	26	238
		Total	622	1,032	316	340	2,310

WESTERN AUSTRALIA.

Encl. 3 in No. 20.

Enclosure 3 in No. 20.

NUMBER of Military Pensioners, their Wives and Families, sent out to Western Australia by Imperial Funds.

Years.	Number of Pensioners.	Number of their Wives and Families.		Total.
		Women.	Children.	
1850 - -	115	88	162	365
1851 -	70	52	73	195
1852 - -	89	69	126	284
1853 - -	88	68	114	270
1854 -	30	22	38	90
1855 - -	90	65	117	272
	482	364	630	1,476
	Add number of other free emigrants, as by preceding Return - - -			2,310
	Grand total of free emigrants sent by Imperial funds - - -			3,786

Encl. 4 in No. 20.

Enclosure 4 in No. 20.

AMOUNT of Vote for the Convict Establishment in the Colony of Western Australia, from 1851 to 1855, (that is, the Year ending the 31st March 1856,) inclusive.

Year.	Western Australia.
1851 - - - - -	12,000
1852 - - - - -	86,600
1853 - - - -	65,100
1854 - - - -	76,765
1855 - - - -	82,060
Total - -	322,525

No. 21.

No. 21.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor KENNEDY.

(No. 15.)

Sir, Downing Street, April 4, 1856.

* Page 156.

I HAVE received your Despatch,* No. 24, of the 21st of December last, and I quite approve of your judicious decision to abolish the hiring depôt at Albany, and of the consequent savings which you have effected.

I have, &c.

(Signed) H. LABOUCHERE.

Governor Kennedy, &c. &c.

APPENDIX.

No. 1.

By his Excellency Sir Henry Edward Fox Young, Knight, Captain General and Governor-in-Chief of the Island of Van Diemen's Land and its Dependencies, with the Advice and Consent of the Legislative Council.

An Act to enable the Governor to establish Houses of Correction under the Control of the Sheriff. [8th August, 1855.]

Preamble. 8 Vict., No. 16.

Whereas by the second section of the Act of Council of the eighth Victoria, No. 16, it was enacted that the buildings at Hobart Town and Launceston respectively called penitentiaries, used for the reception of transported male offenders, and as places of punishment for such male offenders; and the buildings at Hobart Town and Launceston respectively called factories, used for the reception of transported female offenders, and as places of punishment for such female offenders, should be respectively, to all intents and purposes, houses of correction, the said penitentiaries for males and the said factories for females, and that the said houses of correction should respectively be under the order and control of the Comptroller General of Convicts: And whereas it is expedient that power should be conferred upon the Governor to discontinue any such building from being such house of correction, and also to appoint and establish houses of correction, and gaols and houses of correction, under the order and control of the sheriff: Be it therefore enacted by his Excellency the Governor of Van Diemen's Land, by and with the advice and consent of the Legislative Council, as follows:—

Government empowered to discontinue houses of correction under sec. 2, 8 Vict., No. 16.

1. It shall be lawful for the Governor, and he is hereby authorized and empowered from time to time, by any proclamation for that purpose made and published, to declare that any building at Hobart Town or Launceston which by the said second section of the said recited Act is declared to be a house of correction under the order and control of the Comptroller General of Convicts shall, on and after a day to be named in such proclamation, cease to be such house of correction; and upon any such proclamation being so made and published as aforesaid, every such building therein mentioned shall, on and after the day so named in such proclamation, to all intents and purposes whatsoever cease to be such house of correction as aforesaid, anything in the said recited Act to the contrary in anywise notwithstanding.

Governor empowered to appoint houses of correction under order and control of the Sheriff.

2. The Governor shall have power from time to time, by any proclamation for that purpose made and published, to appoint and establish any building, or any number of buildings, within the same enclosure, now or hereafter erected, as and to be, on and after a day to be named in such proclamation, a house of correction, or a gaol and house of correction, under the order and control of the sheriff; and in like manner from time to time, by proclamation, to discontinue any such building or enclosed buildings from being such house of correction, or gaol and house of correction, as the case may be; and upon any such proclamation being so made and published as aforesaid, every such building or enclosed buildings therein mentioned shall, on and after the day so named in such proclamation, be a house of correction, or a gaol and house of correction, under the order and control of the sheriff, or cease to be a house of correction, or a gaol and house of correction, as the case may be.

What to be deemed enclosed buildings.

3. Where any outer wall of any one or more of any enclosed buildings forms part of the enclosure, such buildings shall, notwithstanding, be deemed to be buildings within the enclosure for the purposes of this Act.

Class and sex of offenders for which such houses of correction intended may be specified in proclamation.

4. It shall be lawful for the Governor, in any such proclamation appointing and establishing any such house of correction, or gaol and house of correction, as last aforesaid, to declare that such house of correction, or gaol and house of correction, as the case may be, shall be for the exclusive reception and punishment of any specified class or sex of offenders; and in any case in which no such declaration shall be so made, such house of correction, or gaol and house of correction, as the case may be, shall be a house of correction, or gaol and house of correction, for the reception and punishment of all classes and both sexes of offenders.

Provisions of 8 Vict., No. 16, applied to houses of correction under order of the Sheriff.

5. All provisions in the said recited Act contained applicable to any gaol under the order and control of the sheriff shall equally apply and extend to any house of correction, or gaol and house of correction, appointed and established under this Act.

This Act and 8 Vict., No. 16., 11 Vict. No. 5., and 16 Vict. No. 20., to be read together.

6. This Act, and the said Act of Council of the eighth Victoria, No. 16, and the Act of Council of the eleventh Victoria, No. 5, and also the Act of Council of the sixteenth Victoria, No. 20, shall be read and construed together as one and the same Act.

Short Title.

7. In referring to this Act, and the Acts of Council of the eighth Victoria, No. 16, and the eleventh Victoria, No. 5, and the sixteenth Victoria, No. 20, or to any or either of the said Acts, it shall be sufficient to use the expression "The Prisons Regulation Act."

MICHAEL FENTON, Speaker.

Passed the Legislative Council this first day of August, one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE, Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG, Governor.

Government House, Hobart Town, 8th August, 1855.

No. 3.

By his Excellency Sir Henry Edward Fox, Knight, Captain General and Governor-in-Chief of the Islands of Van Diemen's Land and its Dependencies, with the Advice and Consent of the Legislative Council.

AN ACT to substitute other Punishment in lieu of Transportation.

[9th August 1855.]

Preamble.

WHEREAS it is expedient to substitute other punishment in lieu of transportation: Be it therefore enacted by his Excellency the Governor of Van Diemen's Land, by and with the advice and consent of the Legislative Council, as follows:

Persons liable to transportation to be sentenced to penal servitude instead.

1. After the commencement of this Act no person shall be sentenced to transportation; but any person who, if this Act had not been passed, might have been sentenced to transportation shall, after the commencement of this Act, be liable to be kept in penal servitude for such term as under this Act may be awarded instead of such transportation.

Terms of penal servitude which are to be awarded instead of the present terms of transportation.

2. The terms of penal servitude to be awarded instead of the transportation to which any offender would have been liable if this Act had not been passed shall be as follows; (that is to say,)

Instead of transportation for seven years or for a term not exceeding seven years, penal servitude for the term of four years:

Instead of any term of transportation exceeding seven years and not exceeding ten years, penal servitude for any term not less than four and not exceeding six years:

Instead of any term of transportation exceeding ten years and not exceeding fifteen years, penal servitude for any term not less than six and not exceeding eight years:

Instead of any term of transportation exceeding fifteen years, penal servitude for any term not less than six and not exceeding ten years:

Instead of transportation for the term of life, penal servitude for the term of life:

And in every case where at the discretion of the court, one of any two or more of the terms of transportation herein-before mentioned might have been awarded, the court shall have the like discretion to award one of the two or more terms of penal servitude herein-before mentioned in relation to such terms of transportation.

Power of criminal courts to mitigate certain punishments.

3. Whereas in certain cases of felony the court is not now by law empowered to award sentence of transportation for a less period than the term of the offender's life or some long term of years, or sentence of imprisonment for any shorter term than two years; but it is desirable that some such offenders should, after the commencement of this Act, be sentenced to penal servidude for a shorter term than that substituted by this Act for the term of transportation in any such case, or imprisonment for a shorter period than two years, at the discretion of the court before which they are convicted: Be it therefore enacted, that in all cases where the court is now by law empowered or required to award a sentence of transportation exceeding seven years, it shall be lawful for such court, at its discretion, to award a sentence of penal servitude for a term of years not less than four years, or to award a sentence of imprisonment for any period not exceeding two years, with or without hard labour, as shall to the court, in its discretion appear just under the circumstances.

Conditional pardons to be allowed with reference to the substituted punishment, as in cases of pardons on condition of transportation.

4. Whenever Her Majesty or the Governor shall be pleased to extend mercy to any offender convicted of any offence for which he may be may be liable to the punishment of death, upon condition of his being kept to penal servitude for any term of years or for life, such intention of mercy shall have the same effect and may be signified in the same manner, and all courts, justices, and others shall give effect thereto, and to the condition of the pardon, in like manner as in the cases where Her Majesty or the Governor is now pleased to extend mercy upon condition of transportation beyond seas, the order for the execution of such punishment as Her Majesty or the Governor may have made the condition of Her or his mercy being substituted for the order for transportation.

How persons under penal servitude to be dealt with.

5. Every person who, under this Act or any other Act hereafter to be passed, shall be sentenced or ordered to be kept in penal servitude shall, during the term of the sentence or order, be kept to hard labour and otherwise dealt with in this colony in all respects as persons sentenced to transportation may now by law be dealt with.

6. All laws now in force in this colony applicable with respect to persons under sentence or order of transportation shall, so far as may be consistent with the express provisions of this Act, be construed to extend and be applicable to persons under any sentence or order of penal servitude under this Act or any other Act hereafter to be passed; and in the application of any such law to a person under such sentence or order of penal servitude the word "transportation," wherever it occurs in such law, shall be construed to mean "penal servitude." All Acts, &c. concerning convicts sentenced to transportation made applicable for the purposes of this Act.

7. It shall be lawful for the Governor, by an order in writing under his hand, to grant to any person who may hereafter be sentenced or ordered to be kept in penal servitude for life, and after having undergone ten years of such penal servitude, a licence to be at large in this colony, or in such part thereof as in such licence shall be expressed, during such portion of his term of penal servitude, and upon such conditions in all respects as to the Governor shall seem fit; and it shall be lawful for the Governor to revoke or alter such licence by a like order at his pleasure; and upon the revocation of such licence, such person shall ipso facto be remitted to his original sentence, and shall undergo the residue thereof as if no such licence had been granted. Governor may grant licences to be at large to persons under penal servitude.

8. So long as such licence shall continue in force and unrevoked, such person under sentence or order of penal servitude shall not be liable to be imprisoned by reason of such sentence or order, but shall be allowed to go and remain at large according to the term of such licence. Holder of licence to be allowed to go at large.

9. Nothing in this Act contained shall in any manner affect Her Majesty's Royal prerogative of mercy, or any prerogative of mercy vested in the Governor. Queen's prerogative.

10. Nothing in this Act contained shall interfere with or affect the authority or discretion of any Court in respect of any punishment which such Court may now by law award or pass on any offender other than transportation, but where such other punishment may be awarded at the discretion of the Court instead of transportation, or in addition thereto, the same may be awarded instead of or (as the case may be) in addition to the punishment substituted for transportation under this Act. Discretion of Courts as to alternative punishments not to be affected.

11. This Act shall commence on the tenth day of August instant. Commencement of Act.

MICHAEL FENTON, Speaker.

Passed the Legislative Council this seventh day of August, one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE, Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Governor.

Government House, Hobart Town, August 9, 1855.

No. 6.

By his Excelleny Sir Henry Edward Fox Young, Knight, Captain General and Governor-in-Chief of the Island of Van Diemen's Land and its Dependencies, with the Advice and Consent of the Legislative Council.

AN ACT to make Provision for the better Control and Disposal of Offenders under Sentence of Imprisonment. [28th August, 1855.]

WHEREAS it is expedient to make provision for the better control and disposal of offenders under sentence of imprisonment: Be it enacted by his Excellency the Governor of Van Diemen's Land, by and with the advice and consent of the Legislative Council, as follows:— Preamble.

1. Where any offender shall, for any offence whatsoever, be under a sentence of imprisonment, with or without hard labour, or with or without solitary confinement, passed by any court or by any justice or justices of the peace, it shall be lawful for the Governor to cause such sentence to be carried into effect in any gaol or house of correction within this colony as the Goveror from time to time shall think fit to direct. Offenders may be imprisoned in any gaol Governor may direct.

2. Where any male offender shall be under sentence of imprisonment with hard labour for any felony or infamous misdemeanour, or for any assault with intent, or attempt, to commit felony, it shall be lawful for the Governor to cause such offender to be employed, during the whole or any portion of his sentence, either in or out of chains, at such labour and in such place as the Governor shall from time to time direct. Male offenders under sentence of imprisonment with hard labour for felony, &c. may be worked in chains in any place Governor may direct.

3. Where any male offender shall, for any offence whatsoever, other than felony, infamous misdemeanor, or assault with intent, or attempt, to commit felony, be under sentence of imprisonment with hard labour passed by any court, or by any justice or justices of the peace, it shall be lawful for the Governor to cause such offender to be employed, during the whole or any portion of his sentence, at such labour, and in such place, as the Governor shall from time to time direct: Provided that the court, or justice or justices, in passing sentence upon any such offender, shall have authority to exempt him from the operation of this section. Male offenders under imprisonment with hard labour for other offences may be worked in any place Governor may direct.

4. Nothing in this Act contained shall authorize the confinement or employment of any offender at Port Arthur, or in any penal establishment on Tasman's Peninsula, unless such Offenders not to be sent to Port Arthur

unless under sentence for felony, &c.

offender shall be under sentence for felony, infamous misdemeanor, or assault with intent, or attempt, to commit felony.

Governor empowered to make regulations for control of offenders at places of labour.

5. It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make such regulations for the proper control, discipline, and management of male offenders employed at labour at any place in this colony, under the provisions of this Act, as to the Governor, with the advice aforesaid, shall appear expedient; and such regulations shall be published in the "Hobart Town Gazette," and promulgated at any such place of labour in such manner as the Governor shall from time to time direct.

Offenders under sentence of imprisonment for felony, &c. may be kept in separate apartments during the night.

6. It shall be lawful for the superintendent of any penal establishment or place of labour to cause offenders under sentence of imprisonment, with or without hard labour, or with or without solitary confinement, for felony, infamous misdemeanor, or assault with intent, or attempt, to commit felony, to be kept in separate apartments or places of confinement during the night-time, and at such other times as may be authorized by any regulations made under the authority of this Act.

Governor may give general directions as to places of labour and nature of labour.

7. It shall be competent to the Governor from time to time to give general directions to the sheriff touching the places at which offenders sentenced to imprisonment with hard labour shall be kept at labour, and the nature of the labour at which such offenders shall be employed; and all offenders so sentenced shall forthwith, or as soon as conveniently may be after their respective sentences, be forwarded to such places of labour accordingly.

Regulating the warrants under which offenders to be removed to places of labour.

8. All offenders under sentence of imprisonment with hard labour, and liable to be forwarded to such places of labour as before mentioned, may be forwarded to such places of labour under a warrant from any convicting justice (in the case of a summary conviction), or of the sheriff, or of any person acting or who shall have acted as deputy sheriff at the court at which such offender shall have been sentenced; and any such warrant shall be a sufficient authority for all constables who may be entrusted with the conveyance of any such offender to keep and convey him accordingly, and to all lock-up keepers and gaolers to keep and detain such offender in custody for so long as convenience may require for the purpose and in the course of such removal.

Punishment for escape of offenders under sentence of imprisonment for felony, &c.

9. If any offender under sentence of imprisonment, with or without hard labour, or with or without solitary confinement, for any felony or infamous misdemeanour, or for any assault with intent, or attempt, to commit felony, shall, during such sentence, or during any sentence passed under this Act, escape or attempt to escape from any gaol or house of correction, or from the custody of any gaoler, constable, or other officer in whose custody such offender may be, or if any male offender under sentence of imprisonment with hard labour for any felony or infamous misdemeanor, or for any assault with intent, or attempt, to commit felony, shall, during such sentence or during any sentence passed under this Act, escape or attempt to escape from any place where he shall be employed at labour under the provisions of this Act, every such offender shall, upon conviction before any two justices of the peace, be liable to imprisonment with hard labour for any period not exceeding three years, and, if a male, to be kept in chains for the whole or any portion of such imprisonment, if such justices shall so think fit to order.

Punishment for escape of other offenders sentenced to imprisonment.

10. If any offender under sentence of imprisonment, with or without hard labour, or with or without solitary confinement, for any offence other than felony, infamous misdemeanor, or assault with intent, or attempt, to commit felony, shall, during such sentence, or during any sentence passed under this Act, escape or attempt to escape from any gaol or house of correction, or from the custody of any gaoler, constable, or other officer in whose custody such offender may be, or if any male offender under sentence of imprisonment with hard labour for any offence other than felony, infamous misdemeanor, or assault with intent, or attempt, to commit felony, shall, during such sentence, or during any sentence passed under this Act, escape or attempt to escape from any place where he shall be employed at labour under the provisions of this Act, every such offender shall, upon conviction before any two justices of the peace, be liable to imprisonment with hard labour for any period not exceeding six months.

Punishment for greater offences committed by offenders under imprisonment for felony, &c.

11. Where any offender under sentence of imprisonment, with or without hard labour, or with or without solitary confinement, for any felony or infamous misdemeanor, or for any assault with intent, or attempt, to commit felony, shall, during such sentence, or during any sentence passed under this Act, be guilty of any of the following offences:—

1. Insubordination.
2. Larceny, or feloniously receiving or embezzling any money, chattel, or valuable security of the value of five pounds and under·
3. Wilful prevarication upon oath:
4. Indecent exposure of person:
5. Wilful destruction or injury of any gaol or house of correction, or any furniture thereof, or of any public works of this colony, or of any implement used thereon, or used on any work, or in any place where such offender may be employed at labour under this Act, or of any chattel or other property:
6. Assault:

it shall be lawful for any two justices of the peace to hear and determine any such offence, and on conviction to sentence the offender to either of the following punishments:—

1. Solitary confinement, or solitary confinement and to be fed on bread and water only, for any period not exceeding one month:

2. Imprisonment with hard labour for any period not exceeding nine months, and, if a male, to be kept in chains during the whole or any portion of such sentence, if the Justices shall think fit so to order.

Punishment of lesser offenders committed by offenders under imprisonment for felony, &c.

12. Where any offender under sentence of imprisonment, with or without hard labour, or with or without solitary confinement, for any felony or infamous misdemeanor, or for any assault with intent, or attempt, to commit felony, shall, during such sentence, or any sentence passed under this Act, be guilty of any of the following offences:—

1. Drunkenness.
2. Disobedience of the lawful orders of any person having lawful authority over such offender:
3. Idleness:
4. Wilful mismanagement of, or neglect of, or refusal to, work:
5. Indecent, profane, or abusive language:
6. Insolence to any person having lawful authority over such offender:
7. Absence without leave from the appointed station or place of work of such offender:
8. Breach of any rule or regulation of the prison, penal establishment, or place of labour where such offender may be, or any other misconduct not specified in this or the preceding section:

it shall be lawful for any justice of the peace to hear and determine any such offence; and on conviction, to sentence the offender to either of the following punishments:—

1. Solitary confinement, or solitary confinement and to be fed on bread and water only, for any period not exceeding fourteen days:
2. Imprisonment with hard labour for any period not exceeding six months, and, if a male, to be kept in chains during the whole or any portion of such sentence, if the justice shall think fit so to order.

Punishment of greater offences committed by other offenders under imprisonment with hard labour.

13. Where any offender under sentence of imprisonment with hard labour for any offence other than felony, infamous misdemeanor, or assault with intent, or attempt, to commit felony, shall, during such sentence, or any sentence passed under this Act, be guilty of any of the following offences:—

1. Insubordination:
2. Wilful prevarication on oath:
3. Indecent exposure of person:
4. Wilful destruction or injury of any gaol or house of correction, or any furniture thereof, or of any public works of this colony, or of any implement used thereon, or used on any work or in any place where such offender may be employed at labour under ther Act, or of any chattel or other property:
5. Assault:

it shall be lawful for any two justices of the peace to hear and determine any such offence, and on conviction to sentence the offender to either of the following punishments:—

1. Solitary confinement, or solitary confinement and to be fed on bread and water only, for any period not exceeding fourteen days:
2. For the first offence, imprisonment with hard labour for any period not exceeding two months:

For the second and every subsequent offence, imprisonment with hard labour for any period not exceeding four months.

Punishment of greater offences committed by other offenders under imprisonment with hard labour.

14. Where any offender under sentence of imprisonment with hard labour for any offence other than felony, infamous misdemeanor, or assault with intent or attempt to commit felony, shall during such sentence, or any sentence passed under this Act, be guilty of any of the following offences:—

1. Drunkenness.
2. Disobedience of the lawful orders of any person having lawful authority over such offender:
3. Idleness:
4. Wilful mismanagement of, or neglect of, or refusal to work:
5. Indecent, profane, or abusive language:
6. Insolence to any person having lawful authority over such offender:
7. Absence without leave from the appointed station or place of work of such offender:
8. Breach of any rule or regulation of the prison, penal establishment, or place of labour, where such offender may be, or any other misconduct not specified in this or the preceding section:

it shall be lawful for any justice of the peace to hear and determine any such offence, and on conviction to sentence the offender to either of the following punishments:—

1. Solitary confinement, or solitary confinement and to be fed on bread and water only, for any period not exceeding seven days:
2. For the first offence, imprisonment with hard labour for any period not exceeding for one month:

For the second and every subsequent offence, imprisonment with hard labour for any period not exceeding two months.

Jurisdiction of justices not to be exercised by superintendents of penal establishments, &c.

15. The jurisdiction by this Act vested in a justice or justices of the peace shall not be exercised by any justice who is the keeper of any prison or house of correction, or the superintendent of any penal establishment or place of labour, or in whose custody or under whose charge or control otherwise than as a justice of the peace any such offenders may be.

Sentences under this Act not to form part of original or existing sentences.

16. The period of any sentence passed under the provisions of this Act shall not be deemed or taken as a portion of the period or periods of imprisonment, with or without hard labour, or with or without solitary confinement, to which the offender shall have been previously sentenced, whether under this Act or otherwise, but such offender shall, after the expiration of any sentence passed under this Act, undergo such portion of such previous sentence or sentences as may be unexpired at the time when any sentence under this Act shall be passed.

Offenders under extended sentences to be deemed to be under original sentences.

17. Every offender who shall have been sentenced to imprisonment, with or without hard labour, or with or without solitary confinement, for any offence whatsoever, and who shall have received any sentence of extension of, or cumulative upon, such original sentence, shall during any such extension or cumulative sentence be deemed for the purposes of this Act to be under such original sentence of imprisonment as aforesaid.

Form of proceeding for offences against this Act.

No Certiorari.

18. In all proceedings for offences under this Act before any justice or justices of the peace, the charge against the offender, with the record of the conviction and other proceedings therein, shall be on paper or parchment, and in the form or to the effect of the form in the schedule to this Act annexed; and no conviction or other proceeding under this Act shall be quashed for want or defect of form, or be removed into the Supreme Court by writ of certiorari or otherwise.

Protection of persons acting in the execution of this Act.

19. All actions brought against any person for anything done in pursuance of this Act shall be commenced within three months after the fact committed, and not otherwise, and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action; and in such action the defendant may plead the general issue, and give this Act and the special matter in evidence at the trial; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases, and such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

This Act not to effect powers of gaolers under 8 Vict. No. 16, Sec. 16.

20. Nothing in this Act contained shall affect the powers conferred upon the keepers of gaols and houses of correction by the 16th section of the Act of Council passed in the eighth year of the reign of Her present Majesty, No. 16; but no offender shall be liable to be punished under that section and under this Act for the same offence.

Commencement of Act.
Repeal of 8 Vict., No. 13, sec. 28. 8 Vict., No. 16, see 17 (partially), and 8 Vict., No. 19, sec. 2 & 3.

21. This Act shall commence and take effect on the first day of September next; and thereupon the 28th section of the Act of Council passed in the eighth year of Her Majesty's reign, No. 13, and the 17th section of the said Act of Council passed in the same year, No. 16, so far as the said section affects or relates to offenders under sentence of imprisonment, with or without hard labour, or with or without solitary confinement, for any felony or infamous misdemeanor, or for any assault with intent, or attempt, to commit felony, or to offenders under sentence of imprisonment with hard labour for any other offence, and the 2d and 3d sections of the Act of Council passed in the same year, No. 19, shall be repealed, except as to all matters theretofore committed, which shall be proceeded and dealt with as if this Act had not been passed.

Short title.

22. In referring to this Act it shall be sufficient to use the expression "The Offenders Control Act."

SCHEDULE.

A.B., an offender under sentence of [imprisonment with hard labour], for [felony, *or other offence, as the case may be*], is charged under the provisions of "The Offenders Control Act," before [me, one] of Her Majesty's justices of the peace, upon the complaint of *C.D.*, with [*here state shortly the offence or misconduct charged*].

The prisoner pleads [guilty *or* not guilty].

Now [I] the said [justice], having inquired into the said charge, do find that the said *A.B.* is [guilty *or* not guilty]. [*If guilty proceed as follows.*]

And [I] do sentence the said *A.B.* for such offence to [*here state the sentence*].
Dated at this day of 1855.

J.P.

[*To be signed by the justice or justices adjudicating.*]

MICHAEL FENTON, Speaker.

Passed the Legislative Council this seventeenth day of August, one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE, Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Governor.

Government House, Hobart Town,
August 28, 1855.

No. 15.

By his Excellency Sir Henry Edward Fox Young, Knight, Captain General and Governor-in-Chief of the Island of Van Diemen's Land and its Dependencies, with the Advice and Consent of the Legislative Council.

AN ACT for the better Prevention and Punishment of certain Offences.

[11th September 1855.]

WHEREAS it is expedient to make further provision for the prevention and punishment of certain offences: Be it enacted by his Excellency the Governor of Van Diemen's Land, by and with the advice and consent of the Legislative Council, as follows:—

Preamble.

1. If any person shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or if any person shall be found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person) any picklock key, crow, jack, bit, or other implement of housebreaking, or if any person shall be found by night having his face blackened or otherwise disguised, with intent to commit any felony, or if any person shall be found by night in any dwelling-house or other building whatsoever, with intent to commit any felony therein, or in any enclosed garden, yard, or space belonging to any dwelling-house or other building whatsoever, with intent to commit any felony in such dwelling-house or other building, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude, or to be imprisoned, with or without hard labour, for any term not exceeding three years.

Any person found by night armed, &c. with intent to commit felony, guilty of a misdemeanor.

2. If any person shall be convicted of any such misdemeanor as aforesaid committed after a previous conviction, either for felony or any such misdemeanor as aforesaid, such person shall on such subsequent conviction be liable, at the discretion of the court, to be kept in penal servitude for any term not less than four years and not exceeding six years, or to be imprisoned, with or without hard labour, for any term not exceeding three years; and, in any information for such misdemeanor committed after a previous conviction as aforesaid, it shall be sufficient to state that the offender was at a certain time and place convicted of felony or of a misdemeanor against "The Act for the better Prevention and "Punishment of certain Offences, 1855," (as the case may be) without otherwise describing the previous felony or misdemeanor; and a certificate, containing the substance and effect only (omitting the formal part) of the information and conviction for the previous felony or misdemeanor, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court where the offender was so convicted, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the previous conviction, without proof of the signature or official character of the person appearing to have signed the same.

Punishment of any person convicted of such misdemeanor after a previous conviction of felony or such misdemeanor. Form of information.

Certificate of previous conviction.

3. If any person shall unlawfully apply or administer, or attempt to apply or administer, to any other person any chloroform, laudanum, or other stupifying or overpowering drug, matter, or thing, with intent thereby to enable such offender or any other person to commit, or with intent to assist such offender or other person in committing, any felony, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than four years, or to be imprisoned, with or without hard labour, for any term not exceeding three years.

Persons using chloroform, &c. in order to commit felony, guilty of felony.

4. If any person shall unlawfully and maliciously inflict upon any other person, either with or without any weapon or instrument, any grievous bodily harm, or unlawfully and maliciously shoot at any other person, or unlawfully and maliciously present any kind of fire-arms at any other person, or by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any other person, or cut, stab, or wound any other person, every such person shall be guilty of a misdemeanor, and, being convicted thereof,

Persons inflicting grievous bodily harm, &c. guilty of a misdemeanor.

shall be liable, at the discretion of the court, to be imprisoned, with or without hard labour, for any term not exceeding three years, or to be kept in penal servitude for any period not exceeding four years.

On any trial for feloniously cutting, &c. the jury may acquit of the felony, and convict of misdemeanor.

5. If upon the trial of any information for any felony, except murder or manslaughter, where the information shall allege that the defendant did shoot at any person, or did, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or did cut, stab, or wound any person, the jury shall be satisfied that the defendant is guilty of the shooting or attempting to discharge a loaded arm, or of the cutting, stabbing, or wounding charged in such information, but are not satisfied that the defendant is guilty of the felony charged in such information, then and in every such case the jury may acquit the defendant of such felony, and find him guilty of unlawfully and maliciously shooting at such person, or attempting to discharge a loaded arm at such person, or cutting, stabbing, or wounding such person, as the case may be, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an information for the misdemeanour of which he shall have been convicted.

Penal servitude may be awarded for indecent assault, &c.

6. Whenever any person shall be convicted of any indecent assault, or of any attempt to have carnal knowledge of a girl under twelve years of age, or of any attempt to commit buggery, it shall be lawful for the court either to award such sentence as is now by law authorized for such offence, or to sentence such offender to be kept in penal servitude for any term not exceeding four years.

Aggravated assaults on females and male children under fourteen, punishable by a fine of 20*l.* or six months imprisonment.

7. When any person shall be charged before two justices of the peace with a common assault upon any female whatever, or upon any male child whose age shall not in the opinion of such justices exceed fourteen years, either upon the complaint of the party aggrieved or otherwise, it shall be lawful for the said justices, if the assault is of such an aggravated nature that it cannot in their opinion be sufficiently punished under the provisions of the Statute ninth George the Fourth, chapter thirty-one, section twenty-seven, to proceed to hear and determine the charge in a summary way, and if they shall find the same to be proved, to convict the person accused; and every offender so convicted shall be liable to be imprisoned in some gaol or house of correction, with or without hard labour, for a period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of twenty pounds, and in default of payment, to be imprisoned as aforesaid, with or without hard labour, for a period not exceeding six months unless such fine and costs be sooner paid; and, if the justice shall so think fit, shall be bound to keep the peace and be of good behaviour for any period not exceeding one year from the expiration of such sentence; and such conviction shall be a bar to all future proceedings, civil or criminal, for or in respect of the same assault; and no person convicted under this Act shall be entitled to appeal against such conviction to any Court of General Sessions of the Peace, anything to the contrary in any law notwithstanding.

No appeal against such conviction.

Court of General Sessions upon proof of conviction may declare a recognizance to keep the peace, &c. forfeited.

8. Where any recognizance to keep the peace or to be of good behaviour is entered into by any person, as principal or surety, before any Court of General Sessions of the Peace, or before any justice or justices of the peace, it shall be lawful for any Court of General Sessions of the Peace, upon application made to such court and upon production of such recognizance, to declare such recognizance to be forfeited, upon proof of a conviction of the party bound by such recognizance of any offence which is in law a breach of the condition of the same; and upon further proof that a notice in writing, signed by the person seeking to put such recognizance in force, has, seven clear days before the commencement of such sessions, been personally served upon or left at the usual place of abode of the party or each of the parties (if more than one) who entered into such recognizance, that an application will be made to the said sessions that the said recognizance shall be declared forfeited; and if such recognizance shall be declared forfeited, the same shall be enforced as a forfeited recognizance, in like manner as any recognizance ordered and adjudged to be forfeited by a Court of General or Quarter Sessions under the Act of Council passed in the twelfth year of the reign of Her Majesty, No. 13, may be enforced.

Limiting imprisonment of persons for not entering into recognizance.

9. No person committed to prison under any warrant or order of one justice of the peace for or on account of not entering into a recognizance or finding a surety or sureties to keep the peace, or to be of good behaviour, shall be detained under such warrant or order for more than twelve months from the time of such commitment.

Mode in which a previous conviction is to be given in evidence upon the trial of persons for subsequent offences.

10. It shall not be lawful on the trial of any person for any subsequent offence, where a plea of not guilty shall have been entered, to charge the jury to inquire concerning any previous conviction until they shall have inquired concerning such subsequent offence, and shall have found such person guilty of the same; and whenever in any information any previous conviction shall be stated, the reading of such statement shall be deferred until after such finding as aforesaid: Provided that, if upon the trial of any person for any such subsequent offence as aforesaid such person shall give evidence of his good character, it shall be lawful, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall have been returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

Any person may apprehend offenders against this Act.

11. It shall be lawful for any person whatsoever to apprehend any person who shall be found committing any offence against the provisions of this Act, and to convey him or

deliver him to some constable, in order to his being conveyed, as soon as conveniently may be, before a justice of the peace, to be dealt with according to law.

12. If any person liable to be apprehended under the provisions of this Act shall assault or offer any violence to any person by law authorized to apprehend or detain him, or to any person acting in his aid and assistance, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be kept in penal servitude, or to be imprisoned, with or without hard labour, for any term not exceeding three years. **Assaulting a person entitled to apprehend, a misdemeanor.**

13. The time at which the night shall commence and conclude in any offence against the provisions of this Act shall be the same as in cases of burglary. **Night to be as in burglary.**

14. Nothing in this Act contained shall affect the Act of Council of the second Victoria, No. 22, but no person shall be liable to be punished for the same offence both under the said Act and under this Act. **Nothing in this Act to affect 2 Vict., No 22.**

MICHAEL FENTON, Speaker.

Passed the Legislative Council, this fourth day of September, one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE, Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Governor.

Government House, Hobart Town,
11th September 1855.

LONDON:
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

GOLD (AUSTRALIA).

RETURN to an Address of the Honourable The House of Commons, dated 20 June 1856;—*for*,

A "RETURN, as complete as can be furnished, of the Quantity of Gold Exported from the several Ports in *Australia* in each Year, from the Commencement of the Gold Discoveries to the End of the Year 1855, and specifying to what Countries such Exports have been made."

Colonial Office, 23 June 1856.

JOHN BALL.

NEW SOUTH WALES.

RETURN showing the Quantity and Value of Gold Exported from *New South Wales* for the Years 1851, 1852, 1853, 1854, and 1855.

YEAR.	Quantity.			Value.			Where Exported.	REMARKS.
	Oz.	*dwts.*	*grs.*	£.	*s.*	*d.*		
1851: From 29 May to 31 December.	144,120	17	16	468,336	–	–	- - To Great Britain, as shown by annual Blue Book Returns.	- - Compiled from the Returns printed at page 111 of Gold Papers February 1853. This also agrees with the amount given under the head of exports in the annual Blue Book for 1851.
1852: Whole year -	962,873	16	19	3,600,175	18	3	- ditto - -	- - Compiled from Return printed at page 21 of Gold Papers, August 1853; but the quantity and value, as shown by the annual Blue Book for 1852, appears to be 818,751 *oz.* 18 *dwts.* 17 *grs.*, valued at 2,660,946 *l.*
1853: Whole year -	548,052	19	21	1,781,171	–	–	- ditto - -	Compiled from Gold Paper, December 1854, page 29.
1854: Whole year -	237,910	13	23	773,209	–	–	- ditto - -	- - Compiled from Gold Paper, February 1856, page 5. This amount also corresponds with that given in the annual Blue Book for 1854.
1855: Whole year -	64,384	14	3	209,250	–	–	- ditto - -	- - Compiled from Return received in Governor's despatch, No. 27, of 18 February 1856. The above Return does not show to what ports this amount was exported. The annual Blue Book for 1855 not yet received. From a Return for the quarter ended 30 September 1855, received in a despatch from the Governor, dated 19 December 1855, No. 196, it appears that 26,758 *oz.* 8 *dwts.* was exported to England, and 1,106 *oz.* to Calcutta during that quarter. No Return has been furnished for the subsequent quarter to 31 December 1855. The quarterly returns for the years 1851, 1852, 1853, 1854, and the first two quarters of 1855, do not furnish the name of any port to which the gold was exported; but it appears from the annual Blue Books, as shown in the above table, that the whole amount was exported to Great Britain.

VICTORIA.

RETURN showing the Quantity and Value of Gold Exported from *Victoria*, for the Years 1851, 1852, 1853, 1854, and 1855.

YEAR.	Quantity of Gold Exported from Victoria.			Value of the Gold Exported				TOTAL VALUE.			REMARKS.
				To Great Britain.	To British Colonies.	To United States of America.	To Foreign States.				
	Oz.	*dwts.*	*grs.*	£.	£.	£.	£.	£.	*s.*	*d.*	
1851 -	145,137	3	12	344,944	93,833	- -	- -	438,777	–	–	
1852 -	1,988,526	10	13	5,111,765	1,013,730	- -	10,233	6,135,728	–	–	- - Compiled from the Table of Exports given in the annual Blue Books for these years.
1853 -	2,497,723	15	16	8,215,898	221,567	16,325	190,739	8,664,529	–	–	
1854 -	2,144,699	9	19	7,919,468	320,113	3,575	12,394	8,255,550	–	–	
1855 -	2,575,745	4	17	- -	- -	- -	- -	11,303,980	5	–	- - Compiled from the bi-monthly returns received from the Governor. Those for the first six months of the year are printed at pages 14, 68, and 79 of Gold Papers, February 1856; those for the following six months have been received in despatches subsequently. The Blue Book for 1855 has not yet arrived. The value is estimated at the rate of 4 *l.* per ounce.

GOLD (AUSTRALIA).

RETURN of the Quantity of GOLD Exported from the several Ports in *Australia* in each Year, from the Commencement of the Gold Discoveries to the End of the Year 1855, and specifying to what Countries such Exports have been made.

(*Mr. Hankey.*)

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1856.

565

FURTHER PAPERS

RELATIVE TO THE

DISCOVERY OF GOLD

IN

AUSTRALIA.

(In continuation of Papers presented July 1855.)

Presented to both Houses of Parliament by Command of Her Majesty,
February 1856.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1856.

2030

SCHEDULE.

NEW SOUTH WALES.

NEW SOUTH WALES.

DESPATCHES FROM GOVERNOR GENERAL SIR W. DENISON.

Sir W. Denison.

Number in Series.	Date and Number.	SUBJECT.	Page.
1	April 2, 1855 (36)	FURTHER REPORTS ON THE GOLD DISTRICTS. Transmitting returns for the quarter ended 31st December 1855 - - - - - - - Returns of quantity and value of gold exported, number of licenses granted, &c.	1
2	May 9, 1855 (62)	Similar returns for the quarter ended 31st March 1855 -	3
3	Aug. 4, 1855 (119)	Similar returns for the quarter ended 30th June 1855; shewing also the estimated net quantity and value of gold exported from both colonies from the 29th May 1851 to 31st March 1855 - - - -	5

VICTORIA.

VICTORIA.

DESPATCHES FROM GOVERNOR SIR C. HOTHAM.

Sir C. Hotham.

1	March 9, 1855 (41)	RETURNS FROM THE GOLD FIELDS. Reports and Customary Returns, as per Schedule at page 10 for the months of January and February 1855 - -	10
2	March 29, 1855 (45) (Extract.)	DISTURBANCES AT THE GOLD FIELDS. Transmitting copy of "An Act to indemnify all Persons who "have proclaimed or acted under the Authority of Mar- "tial Law within a certain District of Victoria," together with Goveror's message to Council relative thereto, &c.	16
3	April 2, 1855 (47)	REPORT OF COMMISSION OF INQUIRY INTO THE CONDITION OF THE GOLD FIELDS. Transmitted with Governor's observations and remarks on the several leading topics; the Licence to Miners; proposed Export Duty; Registration Ticket for Miners; estimated Gold Revenue; Leases; Departmental Changes; Police; Magistrates; Electoral Franchise; Complaint of Want of Land; Evils of Chinese Immigration; the Ballaarat Outbreak; Review of Difficulties attending the Administration of the Colony - - [A tabular index of the various heads of the Report of the Commission will be found at page 22.]	17
4	April 3, 1855 (48)	DISTURBANCES AT THE GOLD FIELDS. Reporting result of the trial of the remaining prisoners charged with high treason - - - -	63

VICTORIA. Sir C. Hotham.	Number in Series.	Date and Number.	SUBJECT.	Page.
	5	May 16, 1855 (68)	RETURNS FROM THE GOLD FIELDS. Reports and Customary Returns, as per Schedule at page 64, for the months of March and April 1855 - - -	64
	6	July 2, 1855 (86) (Extract.)	GOLD EXPORT DUTY ACT. Transmitting Act No. 27, of April 1855, "for granting Duties of Customs upon "Gold exported from Victoria" - - -	70
	7	July 2, 1855 (87) (Extract.)	ACT AMENDING THE LAWS RELATING TO THE GOLD FIELDS. No. 37 of 1855 transmitted with observations thereon - - - - -	70
	8	July 17, 1855 (94)	RETURNS FROM THE GOLD FIELDS. Reports and Customary Returns, as per Schedule at page 76, for the months of May and June 1855 - -	76

DESPATCHES FROM THE SECRETARY OF STATE.

The Right Hon. Lord John Russell.	1	July 12, 1855 (33)	DISTURBANCES AT THE GOLD FIELDS. Acknowledging Sir C. Hotham's Despatch, No. 48 of 3d April, reporting trial of remaining prisoners charged with High Treason - - - -	82
The Right Hon. Sir G. Grey, Bart.	2	Nov. 4, 1855 (38)	RETURNS FROM THE GOLD FIELDS. Directions for their future preparation - - -	82

FURTHER PAPERS

RELATIVE TO THE

DISCOVERY OF GOLD IN AUSTRALIA.

NEW SOUTH WALES.

NEW SOUTH WALES.

Despatches from Governor General Sir William Denison.

No. 1.

No. 1.

COPY of a DESPATCH from Governor General Sir WILLIAM DENISON to the Right Hon. Sir GEORGE GREY, Bart.

(No. 36.)

Government House, Sydney,
April 2, 1855.
(Received July 2, 1855.)

SIR,

I HAVE the honour to forward herewith the usual Gold Returns for the quarter ended on the 31st December 1854.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Sir G. Grey, Bart.,
&c. &c. &c.

Enclosure 1 in No. 1.

New South Wales.

Return showing the Quantity and Value of Gold exported, Gold brought to Sydney; and the Number of Licences granted to mine and dig for Gold, to erect temporary Buildings, Tents, &c., and carry on Business in any way at the Gold Fields, &c. &c., and the Amount received from the same during the Quarter ended 31st December 1854.

Gold exported.		Gold brought to Sydney.				Licences.					Fees on Registration of Claims.	Fees on Transfer of Claims.	Leases to work auriferous Quartz Veins.		Amount of Royalty on Matrix Gold.	For the Conveyance of Gold per Government Escort.	Total Amount received during the Quarter.
						Crown Lands.		Private Lands.									
Quantity.	Value.	From what District.	By the Government Escorts.	By the Post Office Mails.	Total.	To mine and dig. 10s. each monthly.	To erect temporary Buildings for the Purposes of Trading, &c. 10s. each monthly.	To mine and dig. 5s. each monthly.	Total Number of Licences issued.	Total Amount received for Licences.			No.	Amount.			
oz. dwts. grs.	£ s. d.		oz. dwts. grs.	oz. dwts. grs.	oz. dwts. grs.					£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.	£ s. d.
37,587 12 9	122,159 15 2	Western	18,146 19 2	443 0 0	18,589 19 2	7,686	565	112	8,363	4,153 10 0	—	2 0 0	8	200 0 0	30 0 1	544 8 2	4,929 18 3
		Southern	6,669 1 21	1,484 0 0	8,153 1 21	1,867	73	895	2,835	1,193 15 0	—	—	–	—	—	200 1 6	1,393 16 6
		Northern	—	346 0 0	346 0 0	1,779	12	184	1,975	941 10 0	—	—	–	—	—	—	941 10 0
37,587 12 9	122,159 15 2	Totals -	24,816 0 23	2,273 0 0	27,089 0 23	11,332	650	1,191	13,173	6,288 15 0	—	2 0 0	8	200 0 0	30 0 1	744 9 8	7,265 4 9

Colonial Secretary's Office, Sydney,
February 16, 1855.

C. D. Riddell,
Acting Colonial Secretary.

GOLD EXPORTED.

Year.	Quantity.			Value.		
	oz.	*dwts.*	*grs.*	£	*s.*	*d.*
1851 - -	144,120	17	16	468,336	0	0
1852 - - -	818,751	18	17	2,660,946	0	0
1853 - - -	548,052	19	21	1,781,172	0	0
1854 to 30th September -	237,910	13	23	773,209	0	0
Totals - -	*1,748,836	10	5	5,683,663	0	0

* Includes a portion of the gold brought from the neighbouring colony of Victoria, but which cannot be distinguished.

Enclosure 2 in No. 1.

Encl. 2 in No. 1.

GOLD EXPORTED.

RETURN of the Quantity and Value of Gold exported from the Colonies of New South Wales and Victoria, for the Quarter ended 31st December 1854.

To England.			To Singapore.			To Hong Kong.			To Callao.			To San Francisco.			Total.			Value.		
oz.	*dwts.*	*grs.*	*oz.*	*dwts.*	*grs.*	*oz.*	*dwts.*	*grs.*	*oz.*	*dwts.*	*grs.*	*oz.*	*dwts.*	*grs.*	*oz.*	*dwts.*	*grs.*	£	*s.*	*d.*
EXPORTED FROM VICTORIA.																				
493,527	12	7	13,886	6	21	1,250	0	0	1,050	0	0	425	0	0	501,138	19	4	2,034,375	0	0
EXPORTED FROM NEW SOUTH WALES - - - -															37,587	12	9	122,159	15	2
TOTAL FROM BOTH COLONIES - - - -															547,726	11	18	2,156,534	15	2
Estimated net quantity and value of gold exported from both colonies from 29th May 1851, to 30th September 1854 - - - -															7,886,509	4	7	27,975,419	4	2
GRAND TOTAL - - - - - -															8,434,235	15	20	30,131,953	19	4

Colonial Secretary's Office, Sydney,
New South Wales, March 14, 1855.

C. D. RIDDELL.

No. 2.

No. 2.

COPY of a DESPATCH from Governor General Sir WILLIAM DENISON to the Right Hon. Sir GEORGE GREY, Bart.

(No. 62.)

Government House, Sydney,
May 9, 1855.
(Received August 6, 1855.)

SIR,

I HAVE the honour to forward herewith the usual Gold Returns for the quarter ended on the 31st March 1855.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Sir G. Grey, Bart.
&c. &c. &c.

NEW SOUTH WALES.
Encl. 1. in No. 2.

Enclosure 1 in No. 2.

New South Wales.

Return showing the Quantity and Value of Gold exported, Gold brought to Sydney; and the Number of Licences granted to mine and dig for Gold, to erect temporary Buildings, Tents, &c. and carry on Business in any way at the Gold Fields, &c. &c., and the Amount received from the same during the Quarter ended 31st March 1855.

Gold exported.		Gold brought to Sydney.				Licences.												
						Crown Lands.		Private Lands.					Leases to work auriferous Quartz Veins.					
Quantity.	Value.	From what District.	By the Government Escorts.	By the Post Office Mails.	Total.	To mine and dig. 10s. each monthly.	To erect temporary Buildings for the Purposes of Trading, &c. 10s. each monthly.	To mine and dig. 5s. each monthly.	Total Number of Licences issued.	Total Amount received for Licences.	Fees on Registration of Claims.	Fees on Transfer of Claims.	No.	Amount.	Amount of Royalty on Matrix Gold.	For the Conveyance of Gold per Government Escort.	Total Amount received during the Quarter.
oz. dwts. grs.	£ s. d.		oz. dwts. grs.	oz. dwts. grs.	oz. dwts. grs.					£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.	£ s. d.
9,984 11 2	32,449 16 0	Western	16,265 18 3	275 0 0	16,540 18 3	7,297	610	97	8,004	3,977 15 0	—	3 0 0	4	100 0 0	48 2 10	489 0 1	4,617 17 11
		Southern	4,245 10 21	1,752 0 0	5,997 10 21	1,864	52	857	2,773	1,172 5 0	—	—	—	—	—	127 7 4	1,299 12 4
		Northern	—	824 0 0	824 0 0	1,844	13	32	1,889	936 10 0	—	—	—	—	—	—	936 10 0
9,984 11 2	32,449 16 0	Totals -	20,511 9 0	2,851 0 0	23,362 9 0	11,005	675	986	12,666	6,086 10 0	—	3 0 0	4	100 0 0	48 2 10	616 7 5	6,854 0 3

Colonial Secretary's Office, Sydney,
New South Wales, May 2, 1855.

(Signed) C. D. Riddell.

GOLD EXPORTED.

Year.	Quantity.			Value.		
	oz.	*dwts.*	*grs.*	£	*s.*	*d.*
1851 - - -	144,120	17	16	468,336	0	0
1852 - - -	818,751	18	17	2,660,946	0	0
1853 - - -	548,052	19	21	1,781,172	0	0
1854 - - -	237,910	13	23	773,209	0	0
1855, to 31st March -	9,984	11	2	32,449	16	0
Totals - -	*1,758,821	1	7	5,716,112	16	0

* Includes a portion of the gold brought from the neighbouring colony of Victoria, but which cannot be distinguished.

Enclosure 2 in No. 2.

Encl. 2 in No. 2.

GOLD EXPORTED.

RETURN of the Quantity and Value of Gold Exported from the Colonies of New South Wales and Victoria for the Quarter ended 31st March 1855.

To England.	To Adelaide.	To Singapore.	To Calcutta.	Total.	Value.
oz. dwts. grs.	*oz. dwts. grs.*	*oz. dwts. grs.*	*oz. dwts. grs.*	*oz. dwts. grs.*	£ *s. d.*
EXPORTED FROM VICTORIA.					
481,604 9 11	241 0 0	22,512 6 12	487 12 0	504,845 7 23	1,964,511 0 0
EXPORTED FROM NEW SOUTH WALES - -				9,984 11 2	32,449 16 0
				514,829 19 1	1,996,960 16 0
Estimated net quantity and value of gold exported from both Colonies from 29th May 1851 to 31st December 1854 -				8,434,235 15 20	30,131,953 19 4
GRAND TOTAL - - -				8,949,065 14 21	32,128,914 15 4

C. D. RIDDELL,
Acting Colonial Secretary.

Colonial Secretary's Office, Sydney,
New South Wales, May 2, 1855.

No. 3.

No. 2.

COPY of a DESPATCH from Governor General Sir W. DENISON to the Right Hon. Lord JOHN RUSSELL.

(No. 119.)

Government House, Sydney,
August 4, 1855.
(Received November 28, 1855.)

MY LORD,

I HAVE the honour to forward herewith the usual Gold Returns for the Quarter ended on the 30th June 1855.

I have, &c.,
(Signed) W. DENISON.

The Right Hon. Lord John Russell,
&c. &c. &c.

NEW SOUTH WALES.
Enc. 1 in No. 3.

Enclosure 1 in No. 3.

NEW SOUTH WALES.

RETURN showing the Quantity and Value of Gold exported, Gold brought to Sydney; and the Number of Licences granted to mine and dig for Gold, to erect temporary Buildings, Tents, &c., and carry on Business in any way at the Gold Fields, &c. &c., and the Amount received from the same during the Quarter ended 30th June 1855.

Gold exported.		Gold brought to Sidney,				Licenses.					Fees on Registration of Claims.	Fees on Transfer of Claims.	Leases to work auriferous Quartz Veins.		Amount of Royalty on Matrix Gold.	For the Conveyance of Gold per Government Escort.	Total Amount received during the Quarter.
						Crown Lands.		Private Lands.									
Quantity.	Value.	From what District.	By the Government Escorts.	By the Post Office Mails.	Total.	To mine and dig. 10s. each monthly.	To erect temporary Buildings for the Purposes of Trading, &c. 10s. each monthly.	To mine and dig. 5s. each monthly.	Total Number of Licences issued.	Total Amount received for Licences.			No.	Amount.			
oz. dwts. grs.	£ s. d.		oz. dwts. grs.	oz. dwts. grs.	oz. dwts. grs.					£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.	£ s. d.
23,522 11 12	76,448 7 4½	Western	19,691 3 20	269 0 0	19,960 3 20	7,118	617	68	7,803	3,884 10 0	0 10 0	2 0 0	1	25 0 0	41 3 5	590 14 9	4,543 18 2
		Southern	5,887 19 0	1,328 0 0	7,215 19 0	1,865	56	786	2,707	1,157 0 0	—	—	–	—	—	176 12 9	1,333 12 9
		Northern	—	1,831 0 0	1,831 0 0	1,593	14	—	1,607	803 10 0	—	—	–	—	—	—	803 10 0
23,522 11 12	76,448 7 4½	Totals -	25,579 2 20	3,428 0 0	29,007 2 20	10,576	687	854	12,117	5,845 0 0	0 10 0	2 0 0	1	25 0 0	41 3 5	767 7 6	6,681 0 11

Colonial Secretary's Office, Sydney,
New South Wales, July 31, 1855.

C. D. RIDDELL,
Acting Colonial Secretary.

GOLD EXPORTED.

Year.	Quantity.			Value.		
	oz.	*dwts.*	*grs.*	£	*s.*	*d.*
1851 - - -	144,120	17	16	468.336	0	0
1852 - - -	818,751	18	17	2,660,946	0	0
1853 - - -	548,052	19	21	1,781,172	0	0
1854 - - -	237,910	13	23	773,209	0	0
1855 to 30th June -	33,507	2	14	108,898	3	4
Totals - -	*1,782,343	12	19	5,792,561	3	4

* Includes a portion of the gold brought from the neighbouring colony of Victoria, but which cannot be distinguished.

Enclosure 2 in No. 3.

GOLD EXPORTED.

RETURN of the Quantity and Value of Gold Exported from the colonies of New South Wales and Victoria for the Quarter ended 30th June 1855.

Colony.	To England.	To Guam and Callao.	To Point de-Galle.	To Boston, United States.	To Mauritius.	To Calcutta.	To Bombay.	To Hong Kong.	To Sydney, New South Wales.	To Hobart Town, Van Diemen's Land.	To Adelaide, South Australia.	Total.	Value.
	oz. dwts. grs.	*oz.*	*oz. dwts. grs.*	*oz. dwts.*	*oz.*	*oz. dwts. grs.*	*oz. dwts. grs.*	*oz. dwts. grs.*	*oz. dwts.*	*oz. dwts.*	*oz. dwts.*	*oz. dwts. grs.*	*£ s. d.*
New South Wales -	23,522 11 12	- -	- - -	- -	- -	- - -	- - -	- - -	- -	- -	- -	23,522 11 12	76,448 7 4½
Victoria -	659,758 3 18	5	7,802 2 0	348 5	7	4,957 5 0	1,809 3 0	13,013 3 12	288 18	20 10	825 14	688,835 4 6	2,669,114 0 0
Totals	683,280 15 6	5	7,802 2 0	348 5	7	4,957 5 0	1,809 3 0	13,013 3 12	288 18	20 10	825 14	712,357 15 18	2,745,562 7 4½
Estimated net Quantity and Value of Gold exported from both Colonies from 29th May 1851, to 31st March 1855 - - - - - - - - -												8,949,065 14 21	32,128,914 15 4
GRAND TOTAL - -												9,661,423 10 15	34,874,477 2 8½

Colonial Secretary's Office, Sydney,
New South Wales, July 31, 1855.

C. D. RIDDELL,
Acting Colonial Secretary.

VICTORIA.

VICTORIA.

Despatches from Governor Sir C. Hotham.

No. 1.

No. 1.

COPY of a DESPATCH from Governor Sir CHARLES HOTHAM to the Right Hon. Sir GEORGE GREY, Bart.

(No 41.)

Toorac, near Melbourne, March 9, 1855.

(Received May 21, 1855.)

SIR,

I HAVE the honour to forward for your information the usual returns from the Gold Fields for the two months ending 28th February 1855.

I have, &c.,

(Signed) CHAS. HOTHAM.

The Right Hon. Sir George Grey,
&c. &c. &c.

GOLD RETURNS, contained in the Lieutenant Governor's Despatch, No. 41, of date 9th March 1855.

No. 1.—Return of the number of Licences issued at the various Gold Fields of the Colony.
No. 2.—Return of Gold transmitted by Government Escort from the various workings.
No. 3.—Return of the amount received as Fees for Licences issued.
No. 4.—Return of the amount received as Fees for the Escort of Gold.
No. 5.—Return of Sales by tender of Government Gold.
No. 6.—Return of the amount received as Fees for the Custody of Gold and Cash.
No. 7.—Return of Gold exported.
No. 8.—Return of the receipt and delivery of Gold forwarded by the Government Escorts.
No. 9.—Return of the rates of Wages and Prices current on the various Gold Fields.*
No. 10.—Return of the rates of Wages and Prices current in Melbourne.*
No. 11.—Return of the Arrivals at, and the Departures from, the Colony by Sea.*
No. 12.—Return of Vessels in harbour, ports of Melbourne and Geelong, on 1st March 1855.*
No. 13.—Return of Cases brought before the Circuit Court, held at Castlemaine, on the 9th February, 1855.
No. 14.—Return of the Estimated Population on the various Gold Fields.

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* These Returns, being extremely voluminous, are not printed.

No. 1.

Department of Commissioners for the Gold Fields, Victoria.

RETURN of the Number of Miners and Storekeepers Licences issued on the various Gold Fields of this Colony during the Months of January and February 1855.

District.	1st to 31st JANUARY.							1st to 24th FEBRUARY.						
	Miners' Licences.				Storekeepers' Licences.			Miners' Licences.				Storekeepers' Licences.		
	Number of Licences issued for 1 month at £1.	Number of Licences issued for 3 months at £2.	Number of Licences issued for 6 months at £4.	Number of Licences issued for 12 months at £8.	Number of Licences issued for 3 months at £15.	Number of Licences issued for 6 months at £25.	Number of Licences issued for 12 months at £50.	Number of Licences issued for 1 month at £1.	Number of Licences issued for 3 months at £2.	Number of Licences issued for 6 months at £4.	Number of Licences issued for 12 months at £8.	Number of Licences issued for 3 months at £15.	Number of Licences issued for 6 months at £25.	Number of Licences issued for 12 months at £50.
Castlemaine -	714	1,149	Nil.	Nil.	23	8	Nil.	185	543	Nil.	1	11	4	Nil.
Sandhurst -	679	972	Nil.	Nil.	18	16	2	265	346	Nil.	Nil.	2	3	Nil.
Ballarat - -	2,171	1,542	Nil.	Nil.	38	15	3	420	345	Nil.	Nil.	22	7	Nil.
Maryboro' (Avoca)	344	351	Nil.	Nil.	39	7	1	182	152	Nil.	Nil.	18	3	Nil.
Beechworth -	739	120	Nil.	2	9	10	3	212	124	Nil.	Nil.	5	Nil.	1
Total - -	4,647	4,434	Nil.	2	127	56	9	1,264	1,510	Nil.	1	58	17	1

NOTE.—In consequence of the non-receipt of the whole of the returns for February the account can only be furnished complete to the 24th of that month.

Office of Chief Commissioner of Gold Fields,
Melbourne, March 9, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No. 2.

RETURN of the Quantity of GOLD received at the Gold Offices, Melbourne and Geelong, by Government Escort, from the various Gold Fields of this Colony, during the Months of January and February 1855.

Date.	Government Gold.		Private Gold.				Total.		Grand Total.	
			Melbourne.		Geelong.					
	Quantity.	Money Value at 4*l.* per Ounce.	Quantity.	Value at 4*l.* per oz.	Quantity.	Value at 4*l.* per oz.	Quantity.	Value at 4*l.* per oz.	Quantity.	Value at 4*l.* per oz.
CASTLEMAINE, &c.										
			oz. dwt.	£ *s.*	*oz. dwt.*	£ *s.*	*oz. dwt.*	£ *s.*	*oz. dwt.*	£ *s.*
Jan. 5	–	–	16,467 3	65,868 12	21 0	84 0	16,488 3	65,952 12		
„ 12	–	–	16,841 5	67,365 0	244 10	978 0	17,085 15	68,343 0		
„ 19	–	–	20,601 18	82,407 12	592 0	2,368 0	21,193 18	84,775 12		
„ 26	–	–	18,080 0	72,320 0	265 0	1,060 0	18,345 0	73,380 0		
Feb. 2	–	–	17,534 7	70,137 8	46 0	184 0	17,580 7	70,321 8		
„ 9	–	–	17,562 15	70,251 0	- -	- -	17,562 15	70,251 0		
„ 16	–	–	18,155 9	72,621 16	69 10	278 0	18,224 19	72,899 16		
„ 23	–	–	16,475 15	65,903 0	41 0	164 0	16,516 15	66,067 0		
Total	–	–	141,718 12	566,874 8	1,279 0	5,116 0	142,997 12	571,990 8	142,997 12	571,990 8
BALLARAT.										
Jan. 5	–	–	6,855 5	27,421 0	596 0	2,384 0	7,451 5	29,805 0		
„ 12	–	–	8,933 15	35,735 0	5,408 0	21,632 0	14,341 15	57,367 0		
„ 19	–	–	6,896 0	27,584 0	6,241 5	24,965 0	13,137 5	52,549 0		
„ 26	–	–	6,881 10	27,526 0	3,304 0	13,216 0	10,185 10	40,742 0		
Feb. 2	–	–	6,395 10	25,582 0	2,008 0	8,032 0	8,403 10	33,614 0		
„ 9	–	–	6,419 5	25,677 0	3,582 10	14,330 0	10,001 15	40,007 0		
„ 16	–	–	6,601 5	26,405 0	1,174 0	4,696 0	7,775 5	31,101 0		
„ 23	–	–	6,815 10	27,262 0	1,707 5	6,829 0	8,522 15	34,091 0		
Total	–	–	55,798 0	223,192 0	24,021 0	96,084 0	79,819 0	319,276 0	79,819 0	319,276 0
BEECHWORTH.										
Jan. 1	–	–	6,952 0	27,808 0	- -	- -	6,952 0	27,808 0		
„ 15	–	–	7,002 0	28,008 0	- -	- -	7,002 0	28,008 0		
„ 29	–	–	5,842 0	23,368 0	- -	- -	5,842 0	23,368 0		
Feb. 12	–	–	6,333 0	25,332 0	- -	- -	6,333 0	25,332 0		
„ 26	–	–	5,647 10	22,590 0	- -	- -	5,647 10	22,590 0		
Total	–	–	31,776 10	127,106 0	- -	- -	31,776 10	127,106 0	31,776 10	127,106 0
								GRAND TOTAL -	254,593 2	1,018,372 8

NOTE.—In consequence of the incompleteness of some of the Maryborough Returns of Gold forwarded *viâ* Ballarat, an exact account cannot be furnished; the above is as near as information in this office will allow.
The direct Heathcote Escort being discontinued Gold, &c. from that station is forwarded *viâ* Sandhurst and Castlemaine.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

Office of Chief Commissioner of Gold Fields,
Melbourne, March 9, 1855.

No. 3.

RETURN of the AMOUNT of FEES received at this Office per ESCORT during the Months of January and February 1855, being payments on account of LICENCES issued at the various GOLD FIELDS of this COLONY.

Date.	Where Issued.	Gold.	Value. at 4*l.* per oz.	Cash.	Total.
		oz.	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
January -	Castlemaine, Sandhurst, &c.	- -	- - -	17,299 7 1	17,299 7 1
February -	Do. - -	- -	- - -	5,454 0 8	5,454 0 8
	Total -	- -	- - -	£22,753 7 9	£22,753 7 9

Office of Chief Commissioner of Gold Fields,
Melbourne, March 9, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No. 4.

RETURN of the AMOUNT of FEES received at the Gold Offices MELBOURNE and GEELONG on Private GOLD and CASH transmitted per ESCORT from the various GOLD FIELDS of this COLONY, and delivered to the public during the Months of January and February 1855.

Date.	From whence.	Amount.
		£ *s.* *d.*
January -	Castlemaine, Sandhurst, &c. - - -	4,337 4 8
February -	Do. Do. - - - -	3,502 15 6
		£7,840 0 2

Office of Chief Commissioner of Gold Fields,
Melbourne, March 9, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No. 5.

RETURN of SALES by TENDER of GOVERNMENT GOLD, during the Months of January and February 1855.

Date.	To whom Sold.	Quantity.	Price per Ounce.	Amount.	Total.
		oz.	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
January -	Nil - -	——	——	——	Nil.
February -	Nil - -	——	——	——	Nil.

Office of Chief Commissioner of Gold Fields,
Melbourne, March 9, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No 6.

RETURN of the AMOUNT of FEES received during the Months of January and February 1855, on GOLD and CASH deposited in the Gold Offices, Melbourne and Geelong, for a longer period than Thirty Days.

Date.	Number of Parcels.	Gold.	Cash.	Fees.
		oz. *dwts.*	£ *s.* *d.*	£ *s.* *d.*
January - - -	133	3,451 10	1,693 0 0	323 11 8
February - - - -	99	2,724 15	1,718 0 0	263 7 11
	232	6,176 5	3,411 0 0	586 19 7

Office of Chief Commissioner of Gold Fields,
Melbourne, March 9, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

VICTORIA.

No. 7.

RETURN of the QUANTITY of GOLD exported from the COLONY during the Months of January and February 1855.

Port of Shipment.	January.			February.			Total.		
	ozs.	dwts.	grs.	ozs.	dwts.	grs.	ozs.	dwts.	grs.
Melbourne - - -	180,917	7	19	162,772	11	0	343,689	18	19
Geelong - - - -	Nil.			23,502	3	0	23,502	3	0
Total - -	180,917	7	19	186,274	14	0	367,192	1	19

HUGH C. E. CHILDERS,

Custom House, Melbourne,
March 5, 1855.

No. 8.

RETURN of the AMOUNT of private GOLD received at, and delivered from, the Gold Office, Melbourne, during the Month of January 1855.

		ozs.	dwts.
Corrected balance on hand on 31st December 1854 -		35,224	9
Received from Castlemaine &c. - - - -		73,112	16
„ Ballarat - - - - -		29,566	10
„ Beechworth - - - - -		19,796	0
Total - -		157,699	15
Delivered to the public - - -	132,926 19		
Sent to Geelong - - - - -	1,363 0		
		134,289	19
		23,409	16

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

Office of the Chief Commissioner of Gold Fields,
Melbourne, March 9, 1855.

No. 8.

RETURN of the AMOUNT of private GOLD received at, and delivered from, the Gold Office, Melbourne, during the Month of February 1855.

		ozs.	dwts.
Balance on hand on 31st January 1855 - -		23,409	16
Received from Castlemaine &c. - - - -		69,884	16
„ Ballarat - - - - -		26,232	0
„ Beechworth - - - -		11,980	10
Total - -		131,507	2
Delivered to the public - - - -	116,635 16		
Sent to Geelong - - - - -	380 10		
		117,016	6
Balance - - - - - - -		14,490	16

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

Office of the Chief Commissioner of Gold Fields,
Melbourne, March 9, 1855.

Nos. 9 and 10.

[Consisting of RETURNS of current RATES of WAGES and PRICES, being extremely voluminous, are not printed.]

Nos. 11 and 12.

[Consisting of RETURNS of ARRIVALS and DEPARTURES by SEA, and of Vessels in Harbour of Ports of Melbourne and Geelong, being extremely voluminous, are not printed.]

No. 13.

A RETURN of the Disposal of 67 Persons brought before the Criminal Circuit Court, Castlemaine, Colony of Victoria, for Trial 9th February 1855.

Offence.	Convicted.	Acquitted.	Discharged from absence of Witnesses.	Remanded to next Sessions.	Total.
Murder	-	2	-	-	2
Manslaughter	-	1	-	-	1
Robbery in company	2	-	4	9	15
Burglary	1	-	-	1	2
Stealing in a dwelling-house to the value of 5*l.*	3	4	-	2	9
Stealing from the person	-	-	3	-	3
Horse stealing	5	1	5	1	12
Stealing auriferous soil	-	2	2	-	4
Larceny	4	3	-	1	8
Sheep stealing	1	-	-	-	1
Indecent assault	1	-	-	-	1
Common assault	-	-	1	-	1
Maliciously wounding	1	-	5	-	6
Bestiality	1	-	-	-	1
Perjury	-	-	-	1	1
	19	13	20	15	67

SENTENCES.

12 years on the roads of the colony, first two years in irons		2
7 ditto	ditto	5
5 ditto	ditto	3
3 ditto	ditto	2
2 ditto	ditto	1
18 months	ditto	2
12 ditto	ditto	2
6 ditto	ditto	1
3 years' imprisonment		1
	Total	19

HENRY F. GURNER, Crown Solicitor.

No. 14.

RETURN of the estimated Population on the various Gold Fields of this Colony, on the 17th February 1855.

District.	Men.	Women.	Children.	Total.	Remarks.
Castlemaine	14,250	3,100	4,150	21,500	
Maryborough (Avoca)	14,574	2,193	2,772	19,539	
Sandhurst	16,025	4,095	3,780	23,900	
Ballarat	18.880	6,008	7,732	32,620	
Beechworth	3,670	480	705	4,855	
Total	67,399	15,876	19,139	102,414	

Office of the Chief Commissioner of Gold Fields,
Melbourne, March 9, 1855.

W. H WRIGHT,
Chief Commissioner of Gold Fields.

VICTORIA.

No. 2.

No. 2.

EXTRACT of a DESPATCH from Governor Sir CHARLES HOTHAM to the Right Hon. Sir GEORGE GREY, Bart.

(No. 45.) Toorac, near Melbourne, March 29, 1855.
(Received July 2, 1855.)

"I have the honour to transmit authenticated copies of three Acts which have passed the Legislative Council during the present session, to which I have given Her Majesty's assent, and beg leave to present the following summary of their purport and intention.

"In my former Despatch No. 162* of the 20th December 1854, I informed you that the necessity for adopting prompt measures effectually to subdue the insurrection on the Gold Field at Ballarat required the exercise of Her Majesty's undoubted prerogative of proclaiming martial law, but that the proclamation was limited to the disturbed districts.

"The urgency of the case and other circumstances prevented my consulting the Legislative Council, but in order to conform with the practice observed in similar cases by Her Majesty's Government, I deemed it right to inform them by a message of the steps I had been compelled to take, and to submit to them a bill of indemnity, although no act had been performed under the authority of the proclamation.

Governor's Message.

18 Vict. No. 12. Martial Law Indemnity Act.

"Care has been taken to insert a provision which will prevent the Act from being construed, even by implication, into an abridgement of the Royal Prerogative."

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

1854.—VICTORIA.

DISTURBANCES AT BALLAARAT.

Message No. 30.

CHAS. HOTHAM, Lieutenant Governor.

The Lieutenant Governor has the painful duty of informing the Legislative Council that serious disturbances have occurred at Ballaarat.

Misguided men, assembled in armed bodies, under military leaders, have intimidated and plundered the well affected, set the law at defiance, and fired on and killed some of Her Majesty's forces. Promptly to suppress this insurrection, the Lieutenant Governor, with the advice of his Executive Council, has proclaimed martial law confining its execution to the district in which the outrages have been perpetrated.

The Lieutenant Governor is aware that the population of Ballaarat generally do not participate in these seditious movements, and he has adopted a course by which the wishes and interests of the well affected will, in his opinion, best be consulted.

On the support of the Legislative Council and the loyalty of the colonists he confidently relies, and trusts that the measures to which he has had recourse will, under Divine Providence, restore peace and tranquillity to the country.

He has availed himself of the earliest opportunity of placing the Council in full possession of the steps he has felt it imperatively his duty to take, and will cause to be laid before them copies of Despatches and Papers on the subject.

Government Offices, Melbourne,
5th December 1854.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

ANNO DECIMO-OCTAVO VICTORIÆ REGINÆ.

By his Excellency Sir CHARLES HOTHAM, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Colony of Victoria &c., &c., &c.

No. XII.

AN ACT† to indemnify all Persons who have proclaimed or acted under the Authority of Martial Law within a certain district in Victoria.

[Assented to 19th December, 1854.]

Preamble.

WHEREAS a certain district in Victoria has been disturbed by a treasonable insurrection and acts of open rebellion: And whereas for the effectual suppression thereof his Excellency the Lieutenant Governor of Victoria, with the advice of his Executive Council, did, by a proclamation under his hand and the seal of the colony of Victoria, bearing date the fourth day of December, in the year of our Lord One thousand eight hundred and fifty-four,

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* Page 65 of Papers presented to Parliament, July 1855.

† Her Majesty's confirmation of this Act notified in a Despatch to Sir C. Hotham, dated 4th August, 1855, No. 7.

command and proclaim that Martial Law, from and after twelve of the clock at noon on the sixth day of December then instant, should and might be administered and executed against every person and persons, within the limits therein-after described, who should at any time after the said hour commit any act of rebellion, any treason, treasonable or seditious practices, or other outrage or misdemeanour whatsoever within the said limits: And whereas it is expedient to indemnify, as herein-after mentioned, all persons who may have issued the said recited proclamation, or who may have done any act, matter, or thing by virtue or under authority or color thereof or of Martial Law thereby proclaimed: Be it therefore enacted by His Excellency the Lieutenant Governor of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:

Indemnity for person proclaiming or acting under Martial Law.

I. All actions, suits, indictments, informations, attachments, molestations, prosecutions, and proceedings whatsoever, against any person or persons, for or by reason of the issuing the said recited proclamation, or for or by reason of any act, matter, or thing advised, commanded, appointed, or done under by virtue or under authority or color thereof or of Martial Law thereby proclaimed, in order to suppress the said insurrection and rebellion or disturbance, and for the preservation of the public peace, shall be discharged and made void; and every person by whom the said proclamation and any such act, matter, or thing shall have been advised, commanded, appointed, or done shall be freed, acquitted, and indemnified against all and every person or persons whomsoever; and if any action, suit, indictment, information, prosecution, or proceeding hath been or shall be commenced or prosecuted against any person or persons for issuing any such proclamation, or for any such act, matter, or thing, so advised or commanded, appointed or done, he or they may plead the general issue and give this Act or the special matter in evidence.

Royal prerogative not interfered with.

II. Nothing in this Act contained shall be construed to interfere with Her Majesty's Royal Prerogative or to abridge the right of Her Majesty to do any act warranted by law for the suppression of treason or rebellion.

No. 3.

No. 3.

Copy of a DESPATCH from Governor Sir Charles Hotham to the Right Hon. Sir George Grey, Bart.

(No. 47.)

Tourac, near Melbourne, April 2, 1855.

(Received July 2, 1855.)

Sir,

I have the honour to transmit the Report of the Commission which I appointed to enquire into the laws and regulations affecting the mining population of this Colony.

With the circumstances which led to this enquiry my Despatch No. 151,* of the 19th November 1854, will have made you acquainted. I there stated that the mode of raising a revenue by means of the license fee, and the personal inconvenience to which the individual miner was subjected, had created a very general feeling of dissatisfaction amongst the mining community; that the want of representation for their interests in the Legislative Council was also sorely felt; and that there were other minor grievances, which it is unnecessary for me to bring to your notice on the present occasion.

Reflection convinced me that a radical change must be effected in the whole system.

The more I studied the question, and the more I discussed the details with such persons as I hoped to find familiar with its bearings, the greater was the certainty which I acquired that any attempt at legislation by the direct interposition of Government would be unsatisfactory and incomplete, and that only through the agency of gentlemen, willing and able to devote their whole mind to the matter, could I arrive at a correct conclusion.

Thus step by step did the advisability of delegating the functions of Government to a Commission force itself upon me, until finally it only remained to select gentlemen willing to undertake the duty.

To the Legislative Council I directed my attention for the composition of this Commission. I was aware that unless I obtained the services of persons alike conspicuous for their talent as for their advocacy of what are termed popular rights, I could not hope to satisfy the mining community or determine questions in which their interests were principally involved; and in laying before you the result of their labours, I feel every confidence that you will concur with me in thinking that the trust which was confided to them has not been misapplied.

* Page 45 of papers presented to Parliament, July 1855.

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The grievance on which the Commission first treat, is the license fee.

As you are aware, since the discovery of gold a license fee, or royalty, has been imposed upon every person located upon the Gold Field engaged in gold digging; the law which I found in force on my arrival in the colony, empowered the Lieutenant Governor to issue licenses to miners on the following terms, viz., for one month, 20*s.*; for three months, 2*l.*; for six months, 4*l.*; for twelve months, 8*l.*

It seemed but reasonable that persons possessing the privilege of encamping on Crown lands, cutting wood, and consuming water free of charge, and thereby holding advantages which circumstances denied to the inhabitants of towns, should contribute an additional sum to the revenue, and in principle the tax was fair and equitable; and such, I may say, is the view taken by a large portion of the mining population at the present moment; but that which was applicable in the early days of gold digging, and is theoretically just, can no longer be maintained. At that time the diggers were comparatively few in number, and their persons being generally known to the Commissioner, it was easily discovered who had, and who had not, taken out their license, the transgressor was punished, but the others were not annoyed.

Now there are reported to be 100,000 souls on the Gold Fields; the Commissioner is acquainted with but few faces; police accompany him in his search for those who desire to evade the fee; the well-conducted digger is worried by constant demands for his license; and the authorities and police on one side, and the diggers on the other, are placed in a state of constant antagonism; to attempt to amend such a system would be futile, but I entertain a conviction that although, as I said before, the principle was right, the mode of working it was entirely wrong; on such a duty the police should never have been employed; had assessors been appointed to particular districts, compelled to reside in them, and paid a per-centage on the collections, they would have known every individual; those who had paid the fee would have declared the names of those who had not, and, provided the fee was moderate, not a murmur would have been heard.

Instead of this the Gold Fields have been the resort of young officers possessing no particular qualification for a very delicate duty, they have often angered the miner, who perhaps was as high born as themselves, by an imperious manner and tone, and the Government themselves have provoked and invited severe criticism by the costly and unsuitable establishments which they have allowed to be maintained on the Gold Fields.

I do not wish it to be understood by the above observations, that I think lightly of the exertions made by many of the Gold Commission, or am unmindful of the services they have rendered to the Government of this colony. I am pleased to find that the Board of Enquiry bring forward no charge against them, but I point to the system as unsuitable to the habits of the miners.

Seeing, then, that a reversion to the simple plan of collecting the license fee, which I have described, is not practicable, and, knowing that the state of the revenue at the present moment requires the contribution, I accept the recommendation of the Commission, that an export duty of two shillings and sixpence per ounce should be levied upon all gold produced in the colony.

I am quite aware of the serious objections which exist against taxes on labour; I know the danger of giving encouragement to smuggling, but at the present moment I have no alternative open to me. I have already described to you the bankrupt state in which I found this colony, aad by the next mail I hope to be able to transmit the estimates for the current year, which I trust will show a very considerable reduction on the expenditure of 1854.

To meet the exigency of the case, the duty on spirits, tea, coffee, and cigars has been augmented, and yet I fear that the estimated revenue for this year will not meet the expenditure, hence I am in no position to attempt further financial changes.

But I deem it right to acquaint you that in my opinion an export duty cannot long be maintained; the acquittal of all the prisoners charged with high treason, on which I propose to write a separate despatch, shows that whenever the diggers proclaim a grievance, and unite in opposing the law, an equitable decision is hardly to be expected, or in other words, the common law of the land cannot be upheld, and therefore in this novel and unfortunate state of things, it behoves me to frame the legislation so as to prevent the possibility

of any topic being raised, on which the body of the miners could reasonably unite, and to devise some other mode of raising a corresponding revenue, for assuredly nothing can be more pernicious to society than to see justice mocked and solemn obligations disregarded.

To establish the right of the Crown to the soil, the Commission propose that the miner should take out a registration ticket, for which he should pay 1*l.* per annum, and without which he should not be allowed to hold a "claim" or retain gold, or exercise his franchise; they do not, however, advise a search being made for miners who may not possess it.

Adding together the sources from which a revenue is to be raised on the Gold Fields, they estimate that

The duty on Gold will produce - -	£220,000
The Miners right - - - -	40,000
The Storekeepers License - - -	30,000
Other sources - - - - -	60,000
Total £	350,000

and recommend that the gold should be conveyed to Melbourne and Geelong free of charge.

The Commission look forward to the extraction of gold from the quartz being carried out by means of companies. The report says "the extent of "quartz veins around Sandhurst, comprehended in a space of about 13 miles "by 6, has been estimated at 60 miles in length;" "the mass of rock is estima-"ted to contain two to three ounces per ton, in some instances as high as "75 ounces per ton."

They suggest that leases should be granted, 220 yards being the maximum extent in length, and that the rent should be from 100*l.* to 250*l.* per annum, as the maximum, for a period of five years.

They further state that "a minimum of not less than three ounces to the ton, "and an average stated to be as high as seven ounces to the ton, in the locality "of Ballaarat, where the quartz is abundant, would seem to place the colony "on the threshold of untold riches."

The "departmental" changes which the Commission recommend are extensive but, in my opinion, wisely conceived. Instead of the costly Gold Commission which now exists, they suggest that each gold district should be under the entire control of one head, to be called the "Warden," and who is to correspond directly with the Colonial Secretary.

They are of opinion that the police should be distributed in different parts of the various Gold Fields instead of being concentrated in one place, and they also recommend that honorary magistrates should be chosen from amongst the diggers to assist the stipendary magistrate on especial occasions.

That the Civil Commissariat should be abolished, and that, where practicable, resort should be had to assessors for determining local disputes or settling disputed claims.

Pending the arrival of the new constitution the Commission recommend that the electoral districts should be altered, and that an electoral roll be at once made out "of all persons possessing the franchise by right of sold lands;" and that arrangements be made, according to the law as it now stands, to admit eight additional elective and four additional nominee members to the Legislative Council: by this scheme the mining interests under the present constitution would be represented.

I need hardly say that this subject had at an early period engaged my serious attention, and, as the report says, I had offered one nominee seat to the miners; but, owing to differences amongst themselves, no advantage had been taken of the offer. After the determination of the present session I shall adopt measures to carry their counsel into effect.

With regard to the complaint which is advanced of want of land, I have the honour to transmit a letter from the Surveyor General, which I called for in reply to this portion of the report.

Surveyor General's Minute.

At page 50 of their report the Commission refer with alarm to the continued arrivals of Chinese; they describe them as thieves and gamblers, and consider that "their presence in such large masses must certainly tend to demoralize colonial "society by the low scale of domestic comfort, by an incurable habit of gaming

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"and other vicious tendencies, and by the examples of degrading and absurd "superstition." They also state that they return to China with their earnings, having spent but little, and often leaving many of their countrymen behind dependent upon public charity.

The description is, in my opinion, understated. I may add that they do not bring any women with them, and are highly immoral in their conduct. In number they amount to ten thousand.

It is of the greatest importance to the present and future welfare of this community, that some restriction should be interposed to the scourge of Chinese immigration with which the colony is threatened. I quote the recommendation of the Commission :—"The question of the absolute exclusion "from this colony of this or any other branch of the great human family is "one that the Commission have no desire to entertain, nor do they think it can "even be necessary to adopt such extreme proceedings; but that some step is "here necessary, if not to prohibit, at least to check and diminish this influx, "seems quite evident," and I hope that you will see fit to cause a circular to be sent to the consuls at the different ports of China, and Singapore, Hong Kong, or other British ports, notifying that it shall be imperative upon masters of vessels conveying Chinese to this colony to equalize the sexes, failing in which they will, on arrival here, suffer a fine of ten pounds for each single male cabin passenger, and two pounds a head for the remaining single men. Without your interposition in this matter our youth on the gold fields will be trained up in vice and profligacy, and the moral growth of the colony blighted.

The concluding paragraph of their report merits your perusal: the Commission do me but justice in alluding to my desire to administer this Government by and through the representatives of the people; I commenced my administration on this principle, and I have unswervingly held to it.

If there is not a mutual confidence between the Government and the representatives prosperity and content cannot ensue. By the aid of the representative members this colony has been rescued from bankruptcy, and many questions have been disposed of, on which a Government might suffer shipwreck.

I have only to enumerate some of the subjects to show the difficulties which closed on the colony during the first three months of my administration :—

1st. I found a revenue nearly two millions sterling deficient to meet the expenditure estimated by the Government.

2d. I found the colony undergoing a severe commercial crisis.

3d. I found the important question of the disposal of the waste lands of the Crown unsettled.

4th. I found the colony united in determination not to sanction the admission of men who had been convicts, and resolved to proceed to any length in measures of resistance.

5th. I found certainly a truce on the Gold Fields, but discontent under the surface.

6th. And shortly after my arrival, large public meetings of unemployed labourers were held, pressing hard upon the Government to make provision for them.

By the aid of the Legislative Council rapid progress has been made in settling most of these difficulties, and I cannot be otherwise than gratified at finding that the course of policy has met the approval of the members of the commission.

Concurring generally in the views entertained by the Commission, I feel bound to comment on that part of their report which leads to the "Ballaarat Outbreak."

A person unacquainted with the circumstances relating to it, on reading the report for the first time, would infer that the Government over which I preside had been aware of the state of feeling on the Gold Fields, and had taken no measures to institute an enquiry or appease the irritation.

But if you will do me the honour to peruse my letter given on the 55*th page, you will see that it is dated November 16th, you will find that the state of the Gold Fields is there freely treated upon, and that I was then occupying myself in composing a board for the express purpose of dealing with this complicated subject. It is true that the Commission was not finally promulgated

until December 7th; a change in the Colonial Secretary took place in the interim; matters of moment were being discussed in the Legislative Council, and the members of the embodied Committee being, with one exception, all members of the Legislative Council, were unwilling to absent themselves from their posts in the Legislature, or direct their special attention to the management of the Gold Fields.

But every one knew that the Commission would be nominated, and the merits of the reported members were canvassed both by the mining community and public press, and approval generally expressed.

Seeing, then, that due publicity had been given to my intentions, you may probably ask, why did the outbreak occur?

There can be no doubt that the remote cause was the weakness which the Executive Government had previously shewn on the subject of the license fee, their vacillation had abstracted all feeling of confidence in the firmness of the Government, whilst the public and private conduct of the stipendiary magistrate at Ballaarat, and the acquittal of the supposed murderers of James Scobie, had produced a general irritation which the immediate dismissal of that magistrate did not allay, the diggers had also been successful in burning the Eureka Hotel, in defiance of military and police, and they thought themselves irresistible.

Sir C. Hotham to the Secretary of State, Despatch No. 148, 18th Nov. 1854.

Page 41, Parliamentary Paper, July 1855.

Designing orators and anarchists were enabled to play upon the feelings of the miners, and work them to the pitch they had long desired, and the cry of "Abolish the license fee," united an amount of sympathy, and gave them a command of physical force which they could not otherwise have procured.

No doubt the masses confined their views to this one point; not so the leaders; nothing short of the overthrow of the Government would have satisfied them, and a march on "Melbourne" would have been the result of a victory.

I have touched upon the points of most importance in the report; it contains a vast amount of information which I could have obtained in no other way, and I willingly record my thanks to the members for the time they have devoted to the public service.

As far as possible I intend to carry out the suggestions they have made, but I should be deluding myself were I to suppose that in the peculiar state of this colony, and the large amount of foreign element which is to be found in our population, order and tranquillity will be permanently maintained by the changes in contemplation.

I have, &c.
(Signed) CHAS. HOTHAM.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

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Encl. 1 in No. 3.

Enclosure in No. 3.

Gold Fields Commission of Enquiry.

Report of the Commission appointed to inquire into the condition of the Gold Fields of Victoria, &c. &c.

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EVIDENCE*.

APPENDIX*.

* The Evidence and Appendix to this Report, being extremely voluminous, are not printed in the present paper.

VICTORIA.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c.

To our trusty and well-beloved John Hodgson, William Westgarth, John Pascoe Fawkner, John O'Shanassy, William Henry Wright, and James Ford Strachan, Esquires, greeting.

WHEREAS complaints have arisen among the mining population of the nature and operation of the laws and regulations under which the revenue derived from them is raised, and of the manner in which those laws and regulations have been administered, and of the inadequate representation of their interests in the Legislature by which those laws are framed; And whereas the Government is earnestly desirous to inquire into the grounds of such complaints, with a view to ascertain how far they are well founded, and to devise and carry out a system which, while it makes due provision for an adequate revenue with the least possible expenditure of public funds, shall afford every facility for the development of the mineral wealth of the colony and prove the least harassing and vexatious to the miners; and further to inquire into the manner in which the law at present in force has been administered, with a view to ascertain whether unnecessary harshness or undue partiality has been shown by the administrators; and generally to inquire into all complaints relating either to the privileges or pecuniary interests of the mining population: Now know ye, that we, with the advice of the Executive Council of the Colony, confiding much in your fidelity, knowledge, and ability, do, by these presents, nominate, constitute, and appoint you, our trusty and well-beloved John Hodgson, William Westgarth, John Pascoe Fawkner, John O'Shanassy, William Henry Wright, and James Ford Strachan, to be our Commissioners for the purposes herein mentioned: And we do, by these presents, grant unto you full power and authority to inquire into the laws and regulations now in force affecting the mining population, and their operation, and also to recommend such alterations in those laws and regulations as may seem necessary for the public advantage and convenience, and to inquire into the manner in which those laws and regulations have been administered, and in general to inquire into all complaints, and to recommend such measures as may have the effect of removing all such as shall be shown to be just: And we do, by these presents, grant unto you, our said Commissioners, power and authority to call before you such persons by whom you may be the better informed upon the subject of this our Commission, and also to call for, have access to, and examine all such books, documents, registers, and records, as may afford the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever: And for your further assistance in the execution of the premises, we do hereby appoint our trusty and well-beloved Charles Warburton Carr, Esquire, to be Secretary to this our Commission, whose services you may use from time to time as occasion may require: And we do hereby direct and appoint that you do report to us in writing, under your hands and seals, your proceedings, and also your opinions on the subject herein referred to you: And lastly, we do, by these presents, ordain that this our Commission shall continue in full force and virtue, and that you our said Commissioners, or any three or more of you, shall and may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

In witness whereof, our trusty and well-beloved Sir Charles Hotham, Knight Commander of the most Honourable Military Order of the Bath, Lieutenant Governor of our Colony of Victoria, hath hereunto affixed the Seal of our Colony, at the Government Offices, in Melbourne, in our said Colony, this Seventh day of December, in the year of our Lord One thousand eight hundred and fifty-four, and in the eighteenth year of our reign.

(L.S.) CHAS. HOTHAM.

By his Excellency's command,

JOHN FOSTER.

Entered on record by me, in Register of Patents, No. 9, page 19, this Seventh day of December, One thousand eight hundred and fifty-four.

JOHN FOSTER,
Colonial Secretary and Registrar.

MEMBERS OF THE COMMISSION.

WILLIAM WESTGARTH, Esq., Chairman.

JOHN PASCOE FAWKNER, Esq., M.L.C.
JOHN HODGSON, Esq., M.L.C.
JOHN O'SHANASSY, Esq., M.L.C.
JAMES FORD STRACHAN, Esq., M.L.C.
WILLIAM H. WRIGHT, Esq., Chief Commissioner of Gold Fields.

CHARLES WARBURTON CARR, Esq., Secretary to the Commission.

To His Excellency Sir Charles Hotham, K.C.B., Lieutenant Governor of the Colony of Victoria, &c., &c., &c.

VICTORIA.

REPORT.

The Commission appointed by Letters Patent, under the hand of his Excellency the Lieutenant Governor and seal of the Colony of Victoria, bearing date at Melbourne the 7th day of December, 1854, to inquire into the "laws and regulations now in force affecting the "mining population and their operation, and also to recommend such alterations in those "laws and regulations as may seem necessary for the public advantage and convenience; and "to enquire into all complaints, and to recommend such measures as may have the effect of "removing all such as shall be shewn to be just," have the honour to submit the following report:— Appointment and objects of Commission.

2. The Commission, during an interval of three weeks devoted to a personal inspection of the mining districts, visised the principal gold fields of the colony, namely, Ballarat, Creswick's Creek, Castlemaine (Forest and Campbell's Creeks, near Mount Alexander), and Sandhurst (Bendigo). In these four localities, or the gold fields surrounding them, are comprised the larger portion of the mining population of Victoria. They are far, however, from being the only gold fields of this extensively auriferous country, and the Commission have to regret that, owing to the pressure of many duties, and the desirableness of an early report upon their views and recommendations, they were unable to extend their visit to all these gold fields. This remark applies more especially to the remote but important district of the Ovens. Evidence has not indeed been wanting, as regarded various local peculiarities of those remoter gold fields, sufficient to guide the Commission in the general views they have felt warranted to enunciate on this subject,—evidence derived either through the local press or through personal communications, of which they have always gladly availed themselves. In regard, however, to those more essential points of the inquiry that involve interests common to all the mining population, the Commission are happy to be able to state that they have been amply supplied with information. Which gold fields visited.

3. The Commission were everywhere met in a good spirit. Evidence was readily tendered, and at Ballarat, Castlemaine, and Sandhurst the inquiries were materially aided by reeresentatives of the miners elected and delegated at public meetings assembled for that purpose, with the view of assisting the Commission. A great amount of information was thus made available, upon which the Commission are enabled to recommend some changes of a very decisive, and, as they believe, of a very beneficial character with reference to the mining population. Commission well received.

Retrospective View.

4. A short retrospective view may here be taken of the brief but important history of gold mining legislation in Victoria, prior to the appointment of this Commission. The existence of available gold fields in Australia was first made public during the month of May, 1851, in consequence of the practical experiments of Mr. Hargreaves in the vicinity of Bathurst, in the adjacent colony of New South Wales, on the 12th February preceding. The spirit of research soon extended to Victoria, where in August following a gold field was established, although with limited workings, at Anderson's Creek, about sixteen miles eastward from Melbourne, and another at Clunes, on the Deep Creek, a tributary of the Loddon, about ninety miles west of the same city. In the following month the importance of Ballarat began to be ascertained, and this was rapidly succeeded by the discovery of the rich deposits near Mount Alexander. The auriferous character of a large area of the colony was thus assured, and upon the faith of this circumstance multitudes were incessantly prospecting for new deposits. By the guidance of certain empiric tests, derived entirely from local and practical observation, various other gold fields, extending over a vast area of surface, were successively discovered, and their united produce has already astonished the world by the marvellous quantities of the precious metal. Discovery of Australian gold fields.

5. The more important of these subsequent discoveries have been the gold fields of Bendigo, those of the district of the Ovens River, and more recently those of Creswick's Creek, about twelve miles north-west of Ballarat. This latter locality, although for some time known as auriferous, and worked by a fluctuating body of miners, has only within the last four or five months assumed its present aspect of primary importance, and it affords a fresh and striking example of those great and sudden "rushes" of the mining population which have always been a feature of these gold fields. Chief Victorian gold districts.

6. The enormous expenses and financial inconvenience that resulted to the colony from the gold fields, particularly in the earlier stages of their development, when a miscellaneous and unsettled population, deserting all other pur-uits, betook themselves to the novel vocation of gold digging, called early attention on the part of the authorities to the means of raising some adequate revenue from these gold fields themselves, to meet the altered state of the country. In this and in other particulars connected with the earlier arrangements of the gold fields, the Government of this colony followed the example of that of New South Wales, where gold digging, as a distinct colonial interest and vocation, had already been established. A license fee, or royalty, of 30s. per month for the privilege of mining was imposed upon each License fee for mining imposed by Executive.

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person, and, on the other hand, a Commission of authorities for the special service of the gold fields was instituted; large bodies of foot and mounted police were collected upon each gold field, followed by an armed escort for the conveyance of the gold to Melbourne or Geelong, a stipendiary magistracy, and a commissariat establishment. The system of the license fee was made law in this colony by proclamation of the Crown in the "Gazette" of 16th August, 1851, and the first licenses were issued at Ballarat on 20th September following.

Proposed increase of fee not effected.

7. The Executive Government, contemplating soon afterwards an increase of the amount of the license fee, issued a proclamation in the "Government Gazette" of 3rd December of the same year, intimating that from and after the 1st January following the former rate of charge would be increased twofold, namely, to 60*s.* per month and 30*s.* per half month. But this proposed regulation never came into operation, having been rescinded during the interval succeeding the advertisement. No reason for this proposed alteration was given in the proclamation, but the reputed prolific qualities of the gold fields of this colony may be assumed to have been the urging motives in regard to this intended increase of charge upon the miner. The opposition which the proposal encountered so soon as it came to light, and the arguments called forth against it, appear to have aided its prompt withdrawal. The reasons stated for this withdrawal were, the contemplation on the part of Government of a new mode of levying a revenue from the gold.

This project unsuitable.

8. The Commission cannot but regard this whole procedure as pre-eminently inapposite and unfortunate, illustrative as it must have been of haste, inexperience, or indecision, and attended with effects upon the mining population such as can only be too readily conceived to result from such unstable policy. The great yield of gold was undoubtedly more remarkable at that time, and indeed for nearly a year subsequently, than it has since proved; but a slight enquiry of the multitude amongst whom this treasure was distributed would have shewn that three-fourths of their number enjoyed even then but a narrow and precarious livelihood. It may be observed, however, that the opposition to this proposition did not emanate solely from the miners, nor was it confined merely to the pecuniary consideration. Objections were taken to a power resting in irresponsible hands, which could thus suddenly and to so serious an extent alter the conditions under which a very large proportion of the Victorian population then earned their daily subsistence.

Gold question transferred to Legislature.

9. This view of the question, indeed, and the intimate relations of the whole case to the sphere of duties of the Colonial Legislature, induced that body at an early stage, to assert, in opposition to the Executive, its claims to the control of this new colonial department; and, as a first step in the contest, to refuse to vote from the revenues at the Council's disposal and for departments pertaining to its charge, those extra amounts for the public service that the new order of things had rendered necessary. Both in New South Wales, therefore, where the same position on the part of the Legislature had already been taken, and in Victoria, these expenses were of necessity defrayed from the Crown proportion of the public revenues. This anomalous state of affairs, happily of brief duration, was terminated during the year 1852, in consequence of the liberal view taken of the case by the parent Government, by whom the whole question of the gold regulations and revenues was forthwith transferred to the control of the Colonial Legislature. The Government, however, had meanwhile introduced into the Legislature an Act, assented to 5th January, 1852, for the better regulation of the gold fields, of which an abstract is given in the appendix. It may be further stated, that, on the first issue of the gold regulations, the Legislature of Victoria had not as yet come into existence, the date of the first assembling having been the 22d November of the same year.

Legislative Committee enquire into discontent on gold fields.

10. In the course of the following year a spirit of dissatisfaction, which had for some time been gradually manifesting itself throughout the gold fields, assumed, with regard to one locality in particular, the district of Bendigo, so serious an aspect, as to demand the grave and immediate attention of the Legislature to the subject. In September, 1853, a select committee of this body, which had just previously assembled, was appointed to make enquiry and take evidence. The case being urgent, this Committee, after the lapse of a few days, brought up a progress report, recommending a temporary mining Act, bearing upon the license fee. The reigning dissatisfaction appeared to the committee to have discharged itself mainly upon this regulation, and the irritations attendant upon the incessant collection of the rate. Accordingly this new measure effected a reduction of the charge to 40*s.* for three months, instead of 30*s.* monthly. The monthly charge was made as high as 20*s.*, with the view of encouraging rather the quarterly payments, and thereby lessening the opportunities of collision between the police and the miners.

Recommendations of Committee, and new Act in consequence.

11. The select committee reported finally in October, and upon this report was based the Act by which the gold fields are at present administered. By this Act the Lieutenant Governor is empowered to issue licenses to miners on the following terms, viz:—For one month at 20*s.*; for three months at 40*s.*; for six months at 4*l.*; for twelve months at 8*l.* The committee had recommended the rates to be 1*l.*, 2*l.*, 3*l.*, and 5*l.* respectively for these periods. Storekeepers on the gold fields were required to take licenses at the rates of 50*l.* for one year, 25*l.* for six months, and 15*l.* for three months. Leases of mineral lands for a period of years might be granted on terms of a royalty of not less than one twentieth of the gross proceeds of the gold raised. Fines of 5*l.*, 15*l.*, and 30*l.* were leviable respectively for the first second and third occasion of offence in being found without a mining or trading license. In the penal clauses an improvement was effected in the manner of arrest, which could not take place unless in view of a commissioner, and in the facilities for taking bail.

In cases of mining "claims" and of partnerships, two justices might decide to the extent of 200*l.* value of suit without appeal. The Executive might make rules as to area of claims or the superficial quantity pertaining to any one block, such rules being subsequently submitted to the Legislature. In ordinary cases involving more than 10*l.* value, appeals were allowed to the next Court of General Sessions. In these regulations there is a divergence from ordinary legislation, as in the case of claims and partnerships, to meet the peculiar case of the miner, and to permit of the prompt settlement of his differences upon the spot where they occur, and where alone, perhaps, and at the moment of their occurrence, the proper evidence is to be had for their adjustment. The committee's report recommends the issue of publican's licenses for the towns and districts of the gold fields, a recommendation that was afterwards carried out under a general Act for the colony that fixed the license fee for this privilege at 100*l.* yearly. The report further recommends that each yearly mining licensee be permitted to cultivate a small garden plot upon adjacent lands that can be spared for that purpose—an arrangement that has been, as far as practicable, carried out, although, as this Commission experienced, not greatly availed of by the miners. The recommendation that the yearly license should qualify for the franchise could be carried out only when power for that purpose had been conferred by the Imperial Government. The committee advise a liberal encouragement to "prospecting;" that companies with capital and mechanical appliances should be induced to develop colonial resources, and that lands situated around the gold fields should be sold with a liberal hand to the mining population.

Continued dissatisfaction: some causes.

12. The administration of the gold fields under this Act has, unfortunately, not resulted in realizing the favorable anticipations of its promoters. To account for this circumstance, besides the general unsuitableness of the whole system now rendered more visible by further experience, the Commission may allude to two facts of important bearing, namely, that the yield of gold has very considerably fallen off, and that the Government have not responded to the recommendation of the committee that the Crown lands should be liberally sold to the miners. The spirit of dissatisfaction appears to have become gradually more general and more deeply rooted. Public meetings, numerously attended, have been repeatedly assembled at each principal gold field to protest alike against the laws and regulations and the mode of their administration. A feeling of estrangement and distrust between the authorities and the people has been widely diffusing itself. This feeling has originated in the harsh operation of the laws, in the want of a political and general status to the miner that might have aided him in procuring redress, and it has been subsequently aggravated by the suspicion of corruption in the authorities. The Eureka riot of October last at Ballaarat was a natural extreme of this feeling, which, as the subsequent inquiry demonstrated, with regard to one member of the stipendiary magistracy, was not without foundation. The more serious outbreak of the the two following months at the same place exhibited the sad spectacle of civil strife and bloodshed, happily now a rare feature among the British people and upon the soil of a prosperous colony.

Wanliss, 512.

Interesting duties of present Commission.

13. The discovery of the gold fields of Victoria, and the development of a new interest, already the most conspicuous and important in these Australian settlements, are events that have coursed rapidly and wonderfully before the world within a space of only three and a half years. The Commission entered therefore upon an interesting duty as they examined the labours of tens of thousands in their new vocation, and enquired into the condition and well-being of this great body of colonists, which may be estimated to amount to one third of the present large population of Victoria.

Confirm report of general discontent.

14. The duties of the Commission might have proved as agreeable as they have confessedly been of an instructive and interesting character, had they entered upon a scene where laborious industry was happily blended with contentment amongst this large population. Such was scarcely to be expected, indeed, considering the indications for some time past upon the gold fields—indications that had been the occasion of the institution of the present enquiry. The Commission must now only confirm the general impression upon the public mind, that a spirit of dissatisfaction prevailed widely throughout these districts, particularly those of comparatively old settlements, such as Ballaarat, Forest Creek, and Bendigo. On this head they make no qualified assertion, notwithstanding some occasional variety regarding it, to be found in the tone of the evidence adduced. It appeared very clearly to the Commission, that although individuals might have manifested indifference or even levity as to alleged grievances, or were indisposed to spend time and raise contentions about public questions, yet the general voice expressed a strong dissatisfaction with the present administration of the gold fields, and the absence of a recognized political and general status for the mining population, such as is enjoyed by the other colonists.

Chief causes: the license fee, land grievance, want of political and general status.

15. The Commission have gathered from the various evidence on the subject submitted to them, that this discontent, so far as it bears a general character and is distinguishable from individual grievances, may be attributed to the following causes:—

(1.) The license fee, or more properly the unseemly violence often necessary for its due collection—a result entirely unavoidable in thus taxing for this considerable rate every individual of a great mass of labouring population; involving as it did repeated conflicts with the police, an ill-will to the authorities, from their almost continuous "hunt" to detect unlicensed persons, and the constant infraction of the law on the part of the miners, resulting sometimes from accident in losing the license document, or from absolute inability to pay for it, as well as from any attempt to evade the charge.

(2.) The land grievance—the inadequacy of the supplies of land as compared with the wants of the population—the want of sufficiently frequent opportunities, and upon reasons

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able terms, for the acquisition of a piece of land—the difficulty amounting with thousands to an impossibility of investing their small capital or their earnings of gold upon a section of ground; from want of which facilities many thousands, it is to be feared, have left and are still leaving this colony to enrich other countries with their industry and capital.

(3.) The want of political rights and recognized status, the mining population of this colony having been hitherto, in fact, an entirely non-privileged body, invidiously distinct from the remainder of the colonists, consisting of large numbers without gradations of public rank, political representation, or any system for self-elected local authority; in short contributing largely to the wealth and greatness of the colony, without enjoying any voice whatever in its public administration.

The Commission will venture on a few remarks upon each of these several heads.

The License Fee.

Principle of a charge for mining approved of.

16. The history of this charge or royalty upon the miner has already been given. Assuming the practical and equitable view with regard to the gold of the soil, that it is the public property, the right on the part of the Government, as trustee for the public in this matter, to impose some charge upon individuals for the permission to take this gold for their own private benefit, cannot be questioned. It is the part of good policy, however, to limit this charge in accordance with circumstances, and to impose it in the manner the most suitable. Here is, indeed, the proper question.

License fee more opposed now than formerly.

17. It has been evident to the Commission that this charge was much less a matter of complaint at an earlier period of the gold mining than it has proved more recently. This is easily accounted for from the novelty of the pursuit at that time, and the more abundant average yield of gold. The evasion of the tax also, which has always been upon a large scale, was at that time a matter of greater facility than it has been since. Nor should the important circumstance be overlooked, that as the principal gold fields assumed a more settled character, and comprised many intelligent persons, more or less permanently resident, the habit of meeting in public and discussing the mining interests gave a strength and definiteness to complaint which it had not previously assumed.

It is unequal and oppressive.
Forbes, 3414, 3415.

18. Under these circumstances this charge, at first only partially, became at length generally, opposed. It was found unsuitable to the proverbially unequal fortunes of gold digging, and seems to have been felt particularly oppressive when the average produce of the gold fields began seriously to fall off. At Bendigo, for example, the time of this falling off, which became conspicuous about eighteen months prior to the Commission's visit, may be fixed as about the commencement of the agitations that have since characterized that district.

Edmunds, 4158.

The reduction of the charge effected by the present Act has of course reduced the pressure of this tax; but the arguments against the unequal operation of its principle still remain. It may be doubted also if, with the present reduced earnings of individual miners, the present charge of 2*l.* per quarter is not practically quite as much as the former of 30*s.* per month.

Gibson, 895, 896.

Many evasions.

19. The great extent to which the license fee is or may be evaded must be held as a serious objection to this mode of levying a revenue. The public demoralization thus entailed is unfavourable to government and good order. Evasion became a practised and skilful art among a considerable number, with whom an esprit de corps was ever the strongest sense of honour. The Commission were amused at least, if not edified, as they learned of the various decoys, and heard of diggers without licenses who were left quietly at work in the pits, while those who had complied with the law betook themselves to flight as if the guilty parties, with all the police at their heels. Amongst a multitude of all varieties of condition, many must have been always found destitute of the means of meeting such an expense, payable as it is in advance on the moment of entering the gold fields. To such there is often but the alternative of concealment or imprisonment; while some, to avoid either of these misfortunes, have quitted the auriferous district as soon as they arrived upon it.

Gray, 691.

Bradshaw, 178.

Offensive mode of collection.
Holyoak, 418, 419.
Gray, 688.

20. These observations have reference mainly to the pecuniary amount of the fee. But this part of the question was always represented to the Commission as much less an objection to the rate than the mode of its collection. With this view of the subject the Commission entirely accord, the particulars of various cases having come under their own notice. To carry out the law in its integrity, to oblige every one to pay the rate, or at least to endeavour effectively to do so, required a constant exercise of authority, and a continual disturbance of those who had paid, in order to detect those who had not. Scenes between the police and the miners were of daily occurrence, where mutual irritation, abuse, and gross violence would ensue. The loss of the license paper also by accident or negligence, or even omitting to have the document upon the person ready at all moments for official inspection, would entail very annoying results. To be fined or imprisoned in such circumstances must have been at the least a hard alternative, but to be re-arrested and fined again, or re-imprisoned almost as soon as released, is trenching very closely on the limits of human endurance, although a course sanctioned by the letter of the regulation.

Edmunds, 4161.
Johnstone, 1911.
Schulzen, 4648.

Hopkins, 4656.
Mackin, 4671.
Cummins, 728.

Sherriff, 5060.
Dowling, 5009, &c.

Bad effects on police and people.
Wanliss, 512.

21. One very serious but very evident result of such proceedings was, to unite the sympathies of the mining body against the authorities, and by a natural extreme to extend in some degree these popular sympathies to delinquent brethren. Very much depended on the prudence or natural temper of individual officers—too much, in fact, rested on so precarious a basis. The police, in the exercise of their annoying duties, were exposed to the

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distrust and antipathy of the miners; and as these feelings became mutual, they had the effect of rendering that force unsuitable for its proper duty of protecting the people. The gold fields could not be patrolled for the more effectual suppression of crime so long as the police were thus employed in collecting the license fee. While from such causes, therefore, the police were rendered quite inefficient for the ordinary public service, the force itself was withal twice as numerous and twice as expensive as would have been necessary under a different system. The very scattered character of many gold fields required either that license collecting be in great measure abandoned, or that a very expensive police staff be maintained. The Ovens circuit required no less than one hundred and twenty for all purposes, one half of whom might be considered as maintained for purposes of the license fee. Instead of that happy accord between the police and the orderly citizen exemplified everywhere but on the gold fields, this force was chiefly arrayed around the authorities at the camp, who, as they balanced the spirit and numbers of the defiant miners, were apt to judge of the police requirements, not by the proportion deemed necessary to protect the people, but by the force requisite to defeat them, should the mutual irritation come to a crisis.

Cummins, 803.

Mac Mahon, 6088.

Turner, Appendix.

Do.

22. With reference to all these remarks, the Commission have no specific charge to substantiate against either the local authorities or the police. They will, however, afterwards allude to some cases that seem to demand a passing comment. But their chief complaint is against the system. Laws must not be based solely upon abstract principle or right, but be adapted also to human nature. The Commission are unanimous in recommending the immediate abolition of the license fee.

Fee should be abolished.

Levey, 2271.

Hopkins, 3554, 3555.

23. It is not desirable that the character of public property in the gold of the soil should be abandoned, although the present system of a license fee be given up. The views of the Commission are, that a revenue must not be derived mainly from a direct tax; this they propose to accomplish by a fairer and less obnoxious method, namely, a moderate export duty, or, to use a more suitable term of English mining, an assessment upon the gold produce. They would, however, impose a small charge, ostensibly for the privilege of mining for gold, and with the object of some revenue being derived, but mainly for recognising the public right in regard to the gold of the soil, and for other collateral and highly useful purposes, such for example as enabling the miner to qualify for the franchise by means of some annual payment, in terms of the New Constitution Act. This charge would comprehend the registration of the miner, and the issue of a paper conveying his rights. The document may be taken out for the term of a year. The Commission agree in recommending a charge of 1*l.* It is not intended that any active search be instituted by the authorities as to whether a miner has or has not taken out this qualification; but without it, he has no right to the gold he may acquire, or to claims or digging ground he may take up and labour upon, and cannot be maintained in the possession of either. The miner's right, as it is proposed to term this annual document, would be a means of distinguishing the well disposed on the gold fields, and of aiding the police and authorities as a special constabulary; thus throwing the conservation of the peace during any possible emergency upon the people themselves, whose chief aid will probably consist in their preventing such emergencies from ever arising. The miner's right, as well as the licenses leviable on other classes of residents upon the gold fields, a subject to be treated of under its proper head, should qualify for the franchise.

Substitution of the "miner's right."

Want of Land Grievance.

24. Out of complaints innumerable on the land question, the Commission will deal in the first place with what appears the most important, and upon which their views were the most unanimous. These are with regard to the inadequate supplies of the Crown lands to the mining population, and the unfrequency of the opportunities afforded them for purchasing. This has been long a matter of general complaint throughout the colony; a complaint certainly of a very strange character in a young colony of such extensive area, and one, too, that seems unfortunately to have occasioned much dissatisfaction upon the gold fields.

Want of opportunities of buying land.

25. The success of many of the miners—a success realised, probably, after a season of great privation and labour—may very naturally explain this indication of a strong desire to acquire land and to form a settled home. On this subject the evidence is endless and the complaints universal, suggesting to the mind not only a most painful picture of the wholesale prevention of individual comfort and well-being to the population upon the gold fields, but that in this neglect or inability a policy is being pursued most suicidal to the interests of the colony at large. Indeed, that such healthful and desirable indications on the part of any class of colonists should have been responded to in the inadequate manner that is shewn by the evidence, and that is indeed matter of common notoriety, is a result equally impolitic and deplorable, whether it arise from the inefficiency of departments to keep pace with the public wants, or from that extraordinary statu quo in which the greater part of the Crown lands of this colony have been suffered by the Government to remain since the Imperial orders of 1847 on the Squatting question. The Commission make a statement that seems almost incredible, to the effect, namely, that up to the end of 1854, after more than three years of gold digging, only 80,000 acres of land in the vicinities of the gold fields had been been brought forward for sale; and that of this quantity, the land being in some places very poor, there had been actually sold but 44,000 acres, for a population that during all that time may have averaged about as many individuals.

Impolitic neglect of Government.

Wanliss, 627, &c.

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Opportunity of late land buying spirit lost.

26. The favourable opportunity afforded for the extensive settlement of this noble country, by the general land buying spirit of the last three years, occasioned by the stimulus of the gold discoveries, has been suffered to pass entirely away. This mania, to use a common expression, the natural and promising result of wealth and prosperity flowing over the colony, instead of being rendered, as it might have been, the source both of immense public revenues and of an extensive settlement of colonial population, has been allowed to expend itself in a worse than useless competition for the limited quantity of lands already in the hands of the colonists. For brief and illusory periods, therefore, these lands acquired almost fabulous prices. Becoming thus the objects of incessant traffic, they have placed the fortunes of many upon a temporary and fictitious basis; and the colony, in the reaction that has inevitably followed, has been plunged into an embarrassing crisis, distressing for the time to various classes of colonists, and possibly proving highly prejudicial at home to the reputation of Victoria as a suitable field for emigration.

Urge against further delay.

27. Although these financial causes will for a time comparatively moderate the eagerness for land buying, the Commission are not the less urgent for preparation on the part of the Government. The crisis is but temporary, and the colony is still as little settled, while it is even more populous. The chief towns are becoming filled with an inpouring population for whom agricultural settlements are eminently desirable, and who, for want of such, are leaving these shores by tens of thousands for other lands less favoured, perhaps, by nature, but far more so by the happier arrangements of their Governments.

Opportunity lost at Burn Creek.

28. By way of practical illustration, the Commission quote from the evidence of Mr. Pridham, late an assistant commissioner. An extract from his testimony is given, which will speak for itself:—

"The diggings at which I officiated were at the Bet Bet and Burn Creek, between "Maryborough and Korong, in the unsettled district. The intermediate land of forty miles "in extent was auriferous. Close to where the diggers were at work there was a quantity "of very fine alluvial land, not auriferous, 2,500 to 3,000 acres in extent, which the diggers "were anxious to purchase. I wrote to the Government about it, but without effect. The "land formed part of two pastoral stations. There was a shepherd's hut on the Burn "Creek side, but since the diggings none of this land has been used by either of the "squatters. I never saw a sheep upon it all the time I was there. It lay quite waste "except when the diggers used it to depasture their horses. A high price could have "been got for this land at the time I wrote—as much as 50*l.* an acre. That price could "not be got now, nor near it, as most have left the place. Many would have settled there "if they could have got land. They told me so frequently. It was a favourite locality. "There were on these diggings, at the time I speak of, about 2,000 persons. There may "be now 400. No land has been sold in that part of the country at all. I have been "unable to learn the reason."

Pridham, 6306, 6315.

Case only too common.

29. The Commission fear that this instance is but one out of many where the happiest opportunities have been totally lost, the permanent settlement of promising districts frustrated for years to come, and thousands of colonists driven by disappointment to find a home in other countries.

Humffray, 100.
Benson, 3608.

Estimate of land sold at gold fields.

30. The different gold fields where lands have been hitherto sold are—Ballaarat, where the land is much better than at most of the other gold fields, and where, out of 29,000 acres offered, 21,000 found sale; Castlemaine, where 18,000 acres have been offered, and 10,000 sold; Bendigo, where, out of 22,000 acres offered, less than 10,000 were sold; the Ovens, where 700 acres were sold out of 1,200; the McIvor, where about 3,000 acres were sold; the Avoca, where out of 2,000 offered, 300 were sold; and Spring Creek, where 1,000 were sold, out of 2,000 to 3,000 offered for sale. These make a total, as already stated, of about 80,000 acres offered and 44,000 sold. The smallness of the quantity hitherto sold has been the occasion of the land realising high prices; and the lots have consisted in a great measure of town and suburban sections, and not of the country lands that are still more urgently required. For the present year it is anticipated that 150,000 acres will be brought forward for sale in the vicinities of the gold fields.

Surv. General, 5706.

Progress hitherto with the lands in the colony.

31. Of the lands throughout the entire colony, during the year 1854, about 500,000 acres had been submitted for sale, of which 460,000 acres had been sold. It is expected that the survey staff will be able to arrange for offering a like quantity of 500,000 acres during the present year. Twenty years have now elapsed since this colony was first settled. It is supposed to contain at present above 300,000 colonists, and to comprise an area of upwards of 60,000,000 acres of land, of which, up to the end of 1854, less than 1,400,000 acres had been alienated from the Crown. The Commission fear that by this rate of progress in the settlement of the country a very imperfect justice is rendered alike to the resources of the colony and the wants of the people.

Survey office return, 12th March, 1855.

More land selling necessary.

32 Had the extent of the past land selling operations been otherwise than of this very insufficient character, the Commission might have alluded with pleasure, on so gloomy a subject, to the statement made by the Surveyor General, that in surveying and bringing forward for sale the colonial lands, he had not found any practical difficulties arising out of the squatting question. If a new era is now to be hoped for, the exertions of Government in opening up the country for settlement must proceed for the future on a very different scale.

Surv. General, 5691.

Gold fields as centres for land selling in interior.

33. The various gold fields should form so many centres throughout the interior for the sale of Crown lands. Occupied as they are with large masses of unsettled population, the

Government should have been at least as ready to sell as the people were to buy the Crown lands in these places. The reasons that apply to the gold fields are applicable also to the case of Crown lands upon each side of main highways throughout the colony, and in particular to the lands connected with the lines of future railways. As a general and practical rule of guidance, the public lands are most wanted in localities where, with the greatest population, the highest prices are realised. This rule hitherto has been too often neglected or reversed. The loss in such a case is not one merely of public revenue. The high price is too commonly the indication of a scant supply, which has given lands only to a few, but where the eager crowd have bid up the lots to the end of their means, in a vain strife of each individual to secure something. A scene of this kind in a young colony, which has as yet scarcely commenced to sell its lands, and has such abundance for every one, is one of positive as well as needless distress. All the lands for many miles around the chief gold fields should be surveyed as soon as possible and brought forward for sale. In this manner, under the present regulations, such of the country lands as are not sold when offered by auction are open for selection afterwards, at the public convenience, for the minimum price. Reserves are desirable in the more crowded localities, particularly of the lands that are not adapted for cultivation, and are suited only for pasture. These reserves may be used as commonage until otherwise required. The pastoral use of the lands situated around the gold fields may be said to be already in a great measure lost to the squatter. The actual sale of the land, therefore, inflicts but little additional damage, and should be promptly proceeded with while the people are collected together, and disposed, as in the case of the Bet Bet and Burn Creek miners, to purchase and become settled. But the area required for the gold fields population must extend much further than merely this vicinity, where the supply would be not only inadequate, but where it is commonly of a very useless quality for the purpose of cultivation. It is therefore the more urgent to settle definitely the protracted question alluded to, and that too with respect to every part of the colony; for most of the gold fields and of the mining population, the Commission believe, will be found in the unsettled district.

Bradshaw, 152.

Surv. General, 5691.

34. The pastoral interest of this colony, which with such eminent advantage occupied these waste lands in the earlier days of the settlement, acquired in its later progress such prosperity and influence as to establish claims regarding these lands, which the subsequent discoveries of the gold fields have rendered totally inconsistent with the progress that now evidently awaits the colony and with the general welfare of its large population. It is not for this Commission to pursue this part of the question further. Nor would they ignore the claims of any class, merely because subsequent changes in the circumstances of the colony have given to these claims an intolerant or invidious aspect. They must, however, assert most peremptorily that, under any view of this case, the flocks and herds must give way to the human families. Until this question be entirely disposed of, and placed upon a footing incapable of misunderstanding, harmony can never be attained amongst the people at large, and it cannot therefore be reasonably expected amongst the masses at the gold fields. The piecemeal wrenching of the lands, and the reluctant action of the authorities during past years, have only involved all parties in angry contention. Each survey staff must cease to raise up a question about pastoral priorities, and the plough to be regarded as a hostile and unlawful intruder. Lands available in regard to their qualities must be everywhere available for settlement when the proper opportunity has arrived; and thus put an end to the extraordinary spectacle of seaports overcrowded with population, while among the squatting solitudes of the interior, as the Commission personally experienced, the eye may still range over vast areas of the finest country without detecting even the trace of a human being.

The squatting difficulty must be settled.

35. Besides this great grievance of the inadequate supplies of land, and the obstruction thus occasioned to the progress and settlement of the country, the evidence shews considerable dissatisfaction with the present arrangements connected with the selling of the Crown lands. The Commission will first, however, advert to the present practice of granting to annual licensees the use of small plots of garden ground where these were available near the miner's residence. Whether from the poorness of the soil at the gold fields, or the difficulty of getting such lands sufficiently near the claim, and in the precise spots where they could be attended to by the working miner, or from his slight and temporary tenure, the Commission found that these garden privileges were but little sought after. They, therefore advise a discontinuance of this system, and this the more strongly because they are desirous that every opportunity should be given to the miner to induce him rather to purchase these lands.

Free leasing of garden plots unnecessary.

36. Some of the arrangements just alluded to are of a remediable character, such, for example, as the uncertain rule, or rather the absence of all gereral rule, as to the amount of advance on biddings at the auctions of the land. In one place or at one time a farthing advance is taken, at another nothing short of a pound, and so on with intermediate gradations. The practice, even if general, of settling this point by preliminary agreement of the intending buyers is one that cannot always command unanimity. This loose system with the public property has placed an improper power in the hands of the officer conducting the sales, and a very irritating power he has the opportunity, whether by intention or otherwise, of making it.

Uncertain rule as to bidding at auctions.

Hardy, 4139, 5141.

Chalk, 5077.
Livey, 5129, 5103, &c.

37. Take, again, the inconvenience of official arrangements as to the time and mode of payment for lands purchased. The Commission are glad to observe some recent changes for the better in these arrangements since their visit to the gold fields. They would merely observe, further, that the public are the customers of the Government in these purchases, and

Payments and title deeds.
Currey, p. 333.
Jones, 3410.

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should have a consideration accordingly; assuredly the convenience of the public, and not that of the Treasury arrangement, should be studied. There is too often ground of complaint for unreasonable delay in the issue of title deeds.

Jobbing under the ten per cent. deposit: advise twenty.

Wall, 4405.

38. The Commission would call especial attention also to the regulation by which ten per cent. only of the purchase money is paid at the time of sale, and a month's interval granted for the balance. This interval permits of much speculative jobbing in the lands on the part of persons who count upon an immediate resale at a profit, and who with this prospect are willing to risk the ten per cent. in question. Speculators will buy lands without having previously even seen them, and throw them up after inspection. This subject and the others already alluded to may appear of less moment than the Commission have actually found them. To illustrate their full, vexatious, and damaging effect upon the large numbers of persons upon the gold fields, they refer to the practical comment upon these cases handed in to them by the Rev. Mr. Currey. It is far from the Commission's view that the real capitalist should any more than another be excluded from investing in lands, but it is evident here that the arrangement is at fault, and that the buyer who bids with the view of settling upon and using the land is liable to be opposed by a system of scheming, or rather gambling, in lands on the part of persons without adequate means or an honest desire for investment. The Imperial Act which defines that not less than ten per cent. shall be the deposit permits that this amount may be increased. In the opinion of the Commission a deposit of twenty per cent. would remove these evils.

Evidence, page 333.

Jones, 3405–7.

Complaints against present Imperial system as to land selling.

39. The other arrangements complained of, namely, the high minimum price of 20*s.* per acre for the land, the system of selling only by auction, and of cash payment for the whole purchase money, are, as is well known, regulations by Imperial Act, which the colony has not as yet received the power to alter, even if an alteration should be deemed desirable. On these points the views expressed, although very various amongst the witnesses, had all one tendency, namely, the acquisition of land on easier terms and at cheaper rates than under the present system.

Great fault the non-supply of land.

40. The questions involved in these points have been so repeatedly debated for many years past, both by the Imperial Government and in these colonies, that the Commission are glad to avail themselves of this fact to avoid any lengthened discussion. Divisions of opinion are likely to be still increased on this fertile topic, from the little that has hitherto been done under the present system for the settlement of the country. The Commission will at once agree that it is of far more consequence to promote this settlement at the outset, for the increase of population and production of wealth, than to make land regulations calculated merely to raise a revenue. From the foregoing remarks, however, it may be seen that the chief fault has not lain with either the present system or the present price, but in the restricted operations of the Government, under which no system whatever could have been found to answer.

Special country lands.

41. The desire of the Commission is, not to deal with abstract theories upon colonial lands, but to render the present Imperial regulations as available and beneficial as possible. But although they do not now differ with the upset price of 20*s.* an acre, there may be valid ground of complaint at the high valuations placed upon lands other than country lands, such as town and suburban lots. On this subject, which is not one very easily dealt with in the abstract, the Commission would allude only to one case of complaint now before them, namely) as to the over-proportion of "special country lands," or lands whose upset price the Executive may raise above 20*s.* The Imperial Act, which gives the power of advancing the price, limits the proportion of such "special" lands at any sale to one tenth of the quantity of country lands simultaneously brought forward. In many of the late sales, and of those now advertised, this proportion is greatly exceeded. During the present reactionary crisis, it is especially undesirable to seek any occasion of raising unnecessarily the minimum price, a proceeding which is therefore alike illegal and injurious. On the subject of town and suburban lands, the Commission would venture to express disappointment that these, and not the country lands so much wanted for the agricultural settlement of the colony, should still form so conspicuous a proportion of the land sales.

Messrs. Hislop and Ainslie's letter, 10 Feb.

5 and 6 Vict. sec. xi.

Ireland, 3486.

Cash system.

42. The system of cash sales appears the best, so far as regards the relationship between the public and the Government. Any system having the effect of bringing the mass of the people into the position of Crown tenants for leases of the colonial lands, or of debtors to the Crown for balances of payment, seems unadvisable if a colony and people are independent of such facilities. Such a system, if it did not involve the authorities in frequent suits and conflicts with their numerous debtors, would at least place the population in a relationship to the Government alike unconstitutional and undesirable.

South Australian land system.

43. The facilities of settlement experienced in South Australia, and so often dwelt upon by complainants in this colony, did not arise from any different land regulations. In that colony, indeed, it is important to state that the orders of 1847 regarding the Squatting Question were not made applicable. In other respects the regulations are similar in both colonies. The remarkable benefits to South Australia arose simply from the circumstance of the market being kept fully supplied with lands available for cultivation, which were either bought on reasonable terms directly by the agriculturist, or, if his means were inadequate, were leased from the South Australian Company and other capitalists, on terms alike advantageous to both parties and to the country at large.

Injustice to Victoria.

44. It is this full tide of supply that this colony requires, and has but too long been deprived of. Land has consequently been here a coveted monopoly, and from its limited

distribution as compared with the wealth and population of the colony, the prices it has been held for by the comparative few who have possessed it have been usually beyond the means of the cultivator, or incompatible with his reasonable calculations of profit. From this cause it has arisen that a great portion of such lands as have already been sold have been withheld from use. Had the quantity sold been still less, the untilled proportion would probably have increased, and every field of corn might have disappeared from the colony, because its cultivation with profit would have been impossible. From a combination of causes thus deplorably infelicitous, these sold lands lie comparatively waste. This land monopoly must be completely broken down. If the lands by hundreds of thousands of acres yearly are insufficient for that purpose, they must be brought forward by millions. If hundreds of colonists have acquired lands which they will neither sell nor cultivate, this offence, if such it be, must not be chargeable to the thousands who still seek for land, but without any reasonable opportunity of acquiring it. While Victoria, so rich in the extent of her available soil, has made so little progress in agriculture towards even her own wants, California (whose circumstances in other respects are so nearly similar) is already exporting on a large scale the produce of her soil—a position which, in the opinion of the Commission, must be attributed chiefly to the free scope there given to the acquisition of land. The social view is incomparably superior even to the commercial, in this question of the settlement of the colonial lands. The harvests they should have yielded and the social picture with which they should have animated and adorned the colony have been raised up elsewhere. Victoria has benefitted other lands by transferring to them the care of supplying the wants of her population, but this has been by a grievous and unnecessary sacrifice of her own best interests.

Political Rights.

Franchise to miners.

45. Happily there seems not at present any difference of opinion in any quarter upon the question of conferring the franchise upon the industrial population of the gold fields, although as regards the mining proportion of that population the electoral right must be based upon modifications in the miners' favour as to residence and amount of qualification, differing materially from those of other colonists.

An Imperial question: Expedients.

46. For the present however, as the Imperial Act under which this colony is now administered had not contemplated gold mining, the power to meet the case fully on the part of the colonial Government is yet wanting. But the requisite steps have already been taken to remedy this defect, and the case of the miners' franchise is included both in the New Constitution measure passed and transmitted home last year, and in a separate Act for this particular purpose, lest any cause of delay should impede the progress of the first. No long interval can now elapse ere the miner and those of his fellow colonists who are now otherwise occupied at the gold fields will be in the full exercise of the franchise,—a conclusion which the Commission cannot but regard with confidence, as likely to prove one great means of inspiring order and contentment throughout these important districts. A temporary expedient lately mooted in the Legislature, to erect the gold fields and vicinities into separate electoral districts, where the townships and other sold lands would give qualifications under the present law, has been received generally, although not unanimously, with favour. As another and still more immediate expedient, the Lieutenant Governor has lately intimated that he will be ready to bestow one nomination seat in the Legislature, now at his disposal, upon any one whom the general mining body may agree to select. The recourse to these expedients instructively illustrates the disadvantages that may arise from the limitation of the powers of colonial Government in questions of local concernment. The most serious consequences may thus arise to society before a legal and proper redress may be availed of.

Hambrook, 3382, 7.
Wanliss, 611.
Holyoak, 471.
Cummins, 712, 716.

Miners' estimate of political rights.

47. The amount of privation involved to any portion of society by the want of political rights may be variously estimated by different minds. The Commission are impressed with their important bearing upon the present inquiry. Although these rights* neither the absolute necessaries of life, nor even of so direct and positive a consideration as the two preceding subjects, nevertheless, to the want of political status in the mining population may be attributed very much of the malcontent feeling on the gold fields. The public demonstrations in these districts, although characterised, as usual in all such cases, by exceptionable incidents, are satisfactory as evidence of decided general views. Extremes in the conduct of individuals are features common to all agitations, and therefore to be expected on the gold fields. But the whole question must not be adjudged upon these outer developments. Such extremes have their own reaction. They seem to have occasionally weakened a movement upon the gold fields by limiting its ostensible numbers, and driving many into neutrality of conduct, besides exciting opposition and even something of ridicule.

* So in copy.

Intelligence of the class.

48. Taking, then, the general view of the case, the miners may be considered to have clearly enough answered for themselves the question, if it ever was one, of the appreciation of their political rights; nor can their fellow colonists do otherwise than approve the determination on the part of this colonial interest to participate in privileges that should in justice be common to all. The Commission can freely testify alike from the evidence received, and from their own observation, to the intelligence that pervades the masses upon the gold fields, —a degree of intelligence, indeed, that is perhaps but inadequately represented by an assertion that it is second to that of no other industrial interest throughout the colony. This feature

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of the mining population is partly attributable to the stimulus of new circumstances, and partly to the intermixture of many persons of good education any even scientific acquirements—a circumstance from which much is hereafter to be expected in regard both to individual and mining progress at the gold fields. As regards the past, however, amongst a large body of the character described, exposed to physical hardships, unsettled lives, and precarious fortunes, the political discussion based on so valid a groundwork was of necessity harsh, and liable to acquire a sharpened edge with exercise during the interval of exclusion from representative privileges.

Expedient for present representation.

49. As delay may still intervene between the miner and his direct franchise rights a virtual representation as far as practicable should be awarded. Thus an electoral roll should at once be made out of all persons possessing the franchise upon the gold fields by right of sold lands, to be available on the earliest occasion to meet any new electoral arrangement that the law as it now stands will permit of for the representation of the gold fields. And the Commission would further suggest an extension of the plan proposed by his Excellency with reference to nomination vacancies in the Legislature, which in one instance he was willing to fill up in accordance with the miners' selection. They advise that the miner's right be available for the selection of persons for these vacancies. Eight elective and four nominee members for all the gold fields might thus be added to the present Legislature, thereby giving virtual representation to the gold fields until the arrival of Imperial powers. As the sold lands are not generally held by actual miners, but commonly by retired miners or storekeepers, the elective proportion of these new members would not be held as fully representing the mining population. By the arrangement here recommended, this office would be performed by the nominees. Such a mark of confidence on the part of the Government would not be lost upon the mining population.

Gibson, 1008, 1009. McMillan, 1156. Benson, 3657–8.

Disadvantages from non-representation.

50. Seeing there appears no difference of opinion on the subject of conferring the franchise upon the mining population, it is only to be regretted that any difficulty should have interposed to occasion the long delay that has already occurred. The due representation of this interest at an earlier stage would certainly have checked the progress of discontent. This would have been a consequence, not of a mere abstract right, but the benefit that must have resulted from an authoritative exposition of the wants of the gold fields, and the same authoritative demand for the necessary redress, namely, for social ameliorations of many kinds, for local regulations embodying popular views and carrying popular assent and suggested by local knowledge, and for improved official arrangements under every head in a novitiatory medley of extravagant and disunited departments. Considering the crying nature of the land grievance, the mining representative would certainly have made some better way than has been done hitherto without him, in meeting the wants of his constituents as to the Crown lands, and in securing opportunities of settlement to thousands of miners upon cultivable sections, where they might now have been prosperous colonists instead of disappointed agitators. The representative must have perceived, long ere now, the advantage of local powers for framing by-laws suited to each gold field, and that the suggestions for the required arrangements should not emanate solely from the local Crown authorities, but also from the people who were interested. The mining vocation, thus more effectively and steadily conducted, would have doubly enriched the colony, and have benefitted all its interests.

Holyoak, 465.

The magistracy to the miners.

51. The absence of political and social status in the great population of the mines is rendered complete, in addition to the want of the franchise and of any local powers, by the absence of the honorary magistracy. To the want of status generally, and in particular to the absence of this institution, much evil may be traced, although indirectly. The extension of the magistracy amongst the miners, many of whom are, in intelligence and respectability, quite adequate to its duties, in strengthening the hands of the local stipendiary magistrate, would have inspired a confidence amongst the masses as regarded the administration of justice, which they are most unlikely, in their present circumstances, to experience towards a court solely stipendiary as well as of Crown nomination.

Benson, 3687.

Might have saved extremes.

52. This state of things was lamentably illustrated in the first or Eureka outbreak at Ballaarat; and the Commission are impressed that the institution, in a cordial spirit, of the honorary magistracy they allude to, forming a link, as it were, between the people and the Government, might have tended to prevent those magisterial improprieties exposed by the present and the preceding Commission, and which had assuredly some effect in stimulating prevailing dissatisfaction and occasioning amongst a section of the miners the extremes of the subsequent outbreak.

Irritation and want of confidence: case at Sandhurst.

Compare Hopkins, 3559, last clauses.

53. More or less connected with these circumstances occur a host of minor irritations common to all the gold fields, which, if not in every case illustrative of positive fault and wrong-doing on one side or the other, are at least illustrative of what leads to quite as much evil, namely, a grievous want of mutual sympathy and confidence between the people and their authorities. A medical gentleman at Sandhurst complains to the Commission of an unjust and erroneous sentence inflicted upon him by the local bench, and of a disgraceful animus he feels assured to exist against him on the part of the magistrate. So impressed is the complainant, that he believes even the copies of the depositions furnished to him for the occasion to have been falsified; and in the hope of triumphant detection, he compares them before the Commission word for word with the original record brought up for the purpose. Possibly both he and the Sandhurst public continue as little satisfied on the general case, although the present instance was not substantiated.

Evidence, pp. 255, 266.

54. There must be something mutually irritating in these unsympathising attitudes, and tending to aggravations on both sides. Such, it may be hoped, is the explanation of a decision of the same magistrate, who on the ground of a mere disturbance of his court, sentences a female to forty-eight hours imprisonment, and that too, in such prisons as are but too common upon the gold fields. The contrariety of the evidence precludes the Commission from further comment on this case; but under any view they should doubt the propriety or advantage of such a sentence.

Magisterial severity.

McLachlan, 4687. Mrs. Faul, 4685. Eves, 4696—4718. Ryall, 4719—4726.

55. A commissioner orders a young man into the custody of a constable to receive an admonition for twice galloping past this officer, throwing dust about him, as he states, and, as the complaint in chief, for taking no notice of him. The commissioner was upon an open camp, under a tree reading a newspaper; he was in undress, but pleads that his commissioner's cap, which he had on, should have identified him. It does not appear that the young man saw either the one or the other. He was not one likely to do anything rude or improper. This is one of those indiscretions of authority that could happen only on a gold field, and because it could only happen there it is the more likely to prove annoying. An officer irresponsible to all around him, and with a camp of police at his command, ought in the first place to possess the command of himself; he may otherwise have opportunities far more hurtful to those around him than this slight but illustrative case displays. As a fitting sequel, therefore, it may be remarked that the same commissioner, who was in charge at Ballaarat during the outbreak, to be presently alluded to, appears to have given occasion to precipitate that movement. These incidents are not necessarily inconsistent with the case of a brave and honourable public officer; but they indicate a temper or judgment that may not suit every department of the service, and the gold fields least of all.

Indiscretions of authority.

Luke, 5163. Luke, 5175, Currey, 5886, Rede, 5545. 5552. Currey, 5884, Rede, 5550. Currey, 5894. Ditto, 5891.

The Ballaarat Outbreak.

56. The Commission have thus endeavoured to state in a general manner the chief grounds of the complaints of the mining population, and will allude presently to the modes they recommend for obviating these occasions of dissatisfaction. They regret they cannot do so without first alluding to recent events that have acquired an unenviable notoriety, namely, the civil outbreaks that occurred towards the close of last year at Ballaarat, which, however inexcusable as the rash crime of an extreme section of the miners, must yet be regarded as an unhappy consequence of the state of affairs the Commission have just contemplated.

The outbreak a general consequence.

57. These proceedings are still fresh in the recollection of the colonists, and must long be remembered for the gloom and apprehension they occasioned; an apprehension having much less to do with any considerations of personal danger than with the damaging effect upon the colony in its social and commercial relations, and the permanent reproach which such collisions leave upon society.

Its reproach and injury damaging to the colony.

58. The first of these proceedings was a riot that took place around the Eureka Hotel on the 17th October, in which that building was set fire to and totally consumed. The cause of this riot arose out of an immediately preceding case of manslaughter. The circumstances of this case were strongly indicative that Bentley, the keeper of the hotel, was concerned in it. The case against Bentley having been, nevertheless, dismissed by the local bench, a popular clamour arose which freely charged the bench with a general corruption and bribery that was not confined merely to the present case, and that inveighed strongly against the local authorities, in whose administration, it was asserted, there was no longer any confidence. An official commission having been appointed by his Excellency to inquire into this matter, these popular suspicions were substantiated against two individuals. Besides a sergeant of police, the chairman of the bench himself was convicted of practices unworthy of his high and responsible position, and was very properly dismissed. From evidence subsequently tendered to the present Commission, they do not hesitate to say that had their predecessors' inquiries been extended, still grosser practices would have been ascertained against the same individual. To return to the case of Bentley, who was subsequently re-arrested, tried, and convicted, it is only due to the Government to state that they appear, equally with the people on the spot, to have considered the bench's decision erroneous, and to have taken the steps for his arrest prior to this outbreak.

Eureka Hotel riot and cause.

Byrne, 1941, &c. Hackett, 2030, &c.

59. The Commission consider the whole case of this Eureka riot as one of a most untoward character. The position of the mining population rendered them suspicious and watchful of the conduct of the authorities. A population as large and dense as that of a considerable town, and occupied in labours of high importance to the colony, were not only destitute of the political rights common to other bodies of colonists, but destitute also of every semblance of other rank, all the authorities amongst them, from the highest to the lowest, being nominees of the Crown. The strong presentiment on the part of the miners of corrupt administration and malpractices of these authorities, was partially confirmed even by an inquiry of a strictly official character; and a criminal, about to have escaped from justice, seemed to them to have been secured solely by the outbreak of popular indignation.

Popular suspicion of corrupt administration confirmed.

Cummins, 770.

60. This state of feeling, enhanced by the scenes attending the collection of the license fee, led by rapid stages of popular disaffection into the serious outbreak of the first days of December. The commencing features of that outbreak were cheifly the defiant attitude of considerable sections of the miners, exhibited for a time, however, only by large and frequent

Public meetings: burning licenses.

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public meetings, and the proposal of strong measures of opposition to the reigning system, particularly respecting the licence fee. On Wednesday, 29th November, at one of these meetings a resolution was carried to the effect, that the miners should burn their licenses and refuse to take out new ones; and a few licenses accordingly are stated to have been burnt. A flag, which had first appeared on the previous Wednesday, was displayed, having upon it a representation of the Southern Cross.

Burr, 2731.

Premature violence of the authorities.

61. On the following day the Commissioners having, in consequence of this procedure, ordered out the police and mounted troopers to detect the unlicensed, scenes occurred which, as might have been expected with an armed police, and in the excited state of the people at the time, only precipitated a crisis. Many of the people became seriously alarmed at the prematurely violent procedure of the authorities, and many more were highly incensed. The menacing resistance of a number of people who had gathered round the Commissioners and police, caused the reading of the Riot Act. Shots were first exchanged between the authorities and the people, and the first blood was shed, although not attended with death.

The crisis: the stockade and its capture.

62. Events now rapidly approached a crisis. This last procedure of the authorities resulted in nothing but a greater irritation and strengthening the hands of the disaffected. The camp, with its police and military on the one hand and the miners on the other, were in armed array, like two hostile bodies. A system of drilling was begun amongst the miners, who were seen from the camp on Friday and Saturday employed in these manœuvres. On Saturday a "stockade" began to make its appearance above a mile from the camp and on the Eureka hill—no very formidable piece of military strategy, but an act, alike unconstitutional and unmistakeable, and indicative of the determination of some considerable section of the people to carry matters to an extremity. At daybreak on Sunday morning, according to the prompt but secret arrangements of the military commandant, this stockade was attacked and taken by a party of military and police.

Comments on proceedings of 30th November.
Rede, 5621, 5622.

Rede, 5603.
Rede, 5572.
Johnstone, 1847.
Bradshaw, 222, 223.
Ximenes, 6182, 7.

Byrne, 2069.
Whitfield, 319, &c.

Byrne, 2001, 2007.
Cummins, 730, &c.

Ximenes, 6179.

63. The wisest head might have acted injudiciously in the haste and excitement of such affairs. It is not, therefore, the Commission's object here to bring any deliberate personal accusation in respect to official conduct during the rapid stages of the outbreak. They must, however, make a passing comment upon the procedure of Thursday, on the part of the Commissioner in charge. The evident state of excitement of the people upon the license question rendered it altogether unadvisable to entertain at that moment any idea of the ordinary business of license collecting. Whatever might have been intended by the official procedure, it was in reality only a premature defiance of the people, ineffectual for any good purpose whatever, and only tending to goad them to the very extreme, that both parties should have laboured to avoid. The evidence of witnesses on this point is distressingly emphatic and distinct. In any popular movement, however unexceptionable the conduct of its main body, there is a section always in readiness to precipitate an extreme, and but too glad for a good excuse. Such an excuse was here given; and the Commission are disposed to agree in a very general view that, but for the police proceedings in question the subsequent outbreak might not have occurred. The people had not yet opposed any hostile front, and even if their movements were interpreted otherwise by the authorities, still this was not the mode to deal with the case. The ferment might have been expected shortly to subside, unless it broke out into some act of extremity. Either result should have been waited for. The erection of the stockade was a crisis in question, although the Commission are not entirely unanimous that, even at this stage, there should have been on the part of the authorities a deliberate shedding of human blood. They agree generally, that since the popular excitement had culminated in that absurd but criminal procedure, the prompt attack on the morning of the 3rd was a movement alike well timed and well executed.

Stockade attack.

Capt. Pasley, 4th Dec.
Capt. Thomas' dispatch, 3rd Dec., in Council Paper, Message No. 30.

64. This sorrowful affair, although happily put an end to with such facility, did not terminate without a lamentable amount of bloodshed, and what was quite as much to be regretted, the display of some of those ruthless feelings which have ever characterized civil broils. The incidents appear to have been somewhat as follows:—The military and police on approaching the stockade, were fired upon from within its inclosure. Returning the fire, they climbed over the structure, shot down a number inside, who soon ceased to offer any resistance, and took many others prisoners, assisted in this movement by a flanking party outside, sent round to intercept the fugitives. Comparatively few were found within the stockade, and the more conspicuous of the party had nearly all disappeared. All who remained were soon dispersed, and so ended the brief but bloody tragedy.

Inhumanities of the occasion.

65. The scenes connected with this outbreak, both during this conflict and before and after its occurrence, as stated to the Commission, and as currently rumoured, exhibit some of those disgraceful inhumanities that are the customary features of a social outbreak. The opportunity lay with the victors, and of course the burden of sympathy and accusation is against their side. The foot police, as a body, appear to have conducted themselves with creditable temper; but assuredly on the part of the mounted division of that force there seems to have been a needless as well as ruthless sacrifice of human life, indiscriminative of innocent or guilty, and after all resistance had disappeared with the dispersed and flying rioters. But the Commission decline to elaborate this subject further. These were the excesses arising out of duty, as opposed, on the other side, to those arising out of disorder. Still less will the Commission enter, under such circumstances, into questions of individual conduct, reprehensible, it may be, on both sides, during moments of ungovernable excitement.

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66. The casualties of the stockade attack appear to have been considerable. On the part of the insurgents one hundred and fourteen prisoners were secured, and it is variously stated that as many as from fifteen to thirty and upwards of their number were killed on the spot, besides others who afterwards died of their wounds. Of the police only one was wounded. Of the military there was one killed on the spot, and three who afterwards died of wounds, besides twelve others wounded, most of them severely. Amongst these were included Lieutenant Paul, severely wounded, and Captain Wise, dangerously, who has since died. This young and brave officer, persisting in his duty after receiving a first wound, was shot in the leg while mounting the stockade, and fell forward inside. The conduct of this force, on the part alike of officers and men, was only such as must be expected from the British soldier.

Casualties on both sides.
Levey, 2235.
Capt. Thomas, 3rd December.
Capt. Pasley, 4th December.
Burr, 2751, &c.
Burr and Thomas, 3d Dec.

67. The share borne by foreigners in this outbreak has been the subject of frequent comment, and been rather variously represented. That many of these persons were permitted to be prominently active is evident, notwithstanding a natural desire on the part of witnesses sympathising in the late movement to give a different impression, and invest the movement with a more national character. The foreigners formed a larger proportion among the disaffected than among the miners generally. It seems certain that some of their number acted a very prominent part in regard particularly to the drilling with fire-arms—a lawless form of demonstration that appears to have been mainly due to this agency, if not altogether. If these persons have not been wholly chargeable with the culminating and lawless extreme of this outbreak, they have unquestionably been only too influential in drawing a body of colonists into courses that, among the British people, are happily as rare as they are disgraceful, in the oft-recurring differences with their authorities.

Share borne by foreigners.
Gibson, 1042, 1044.
Byrne, 1998.
Burr, 2753.
Levey, 2251.
Levey, 2234.
Budden, 1641, 1646, &c.
State Trials, 26th Feb. 1855, Goodenough's evidence.
Burr, 2753.

68. The Commission allude to this part of the subject with a feeling of disappointment. Without reference to the merits of questions they would remark generally, that when their fellow countrymen experience grievances they should undertake the remedy for themselves, and they will then probably accomplish a cure with more unanimity and less disgrace. This remark applies in particular to persons who have not yet been naturalised, but it should surely apply generally, even although there may have been a recent adoption into citizenship. The British people may hope that they are in general better qualified to give than to receive lessons in the modes of asserting personal rights and liberties. The Commission present on this subject to the colonists the proper example of California in rejecting the interference of foreigners in questions of home politics, although in a case in which those persons were themselves directly involved, namely, the question of the foreigners' license fee. The American public, agreeing that this measure was illiberal and impolitic, first extinguished the foreigners' agitation on the subject, and then undertook and carried through for themselves the duty of altering the law.

Comments on this subject.

69. It affords satisfaction in reviewing this dark page that this outbreak, in its extreme and guilty manifestation, was far from general at Ballaarat; while it appears that the "license hunting" of Thursday impressed the people very unfavorably with the prudence of the authorities, and so far strengthened the dissatisfied feeling: yet it also appears, that as each extreme step was successively taken, the great body of the miners held more and more aloof, until at length a system of coercion attempted to be enforced by a very active minority became so annoying that it is probable the miners themselves would have taken measures to quell this libertinism of disaffection had such not been done by the authorities. In a movement whose first stages were very generally approved of many minds were in perplexity as to lines of demarcation in the subsequent steps—a perplexity that prevented the more orderly population from uniting with the authorities, or even at the time with one another. Thus it was that emissaries went about with more or less success to collect recruits and compel a cessation of industry; horses were seized from passers-by, and stores and tents plundered of saddlery and other requisites of the strife. These operations were only on a very limited scale; but none of the articles, of course, have ever found their way back to their respective owners. The movement thus scandalised, as well as rendered illegal, was latterly creating a decided reaction; and the Commission do not doubt the prevalence of such reaction among the body of the miners, although strong sympathy was manifested by many for their erring comrades. There was a natural desire displayed to excuse and protect the extreme sections of a rising that but recently before, and when within more legitimate bounds, was popular and general.

Outbreak not general.

70. The Commission have already had occasion to allude to the excessive array of police upon the gold fields. This expensive body, obnoxious in its duties, and banded together upon a camp as if in hostility to the people, seems to have been a deep-seated cause of popular irritation. Nor is this the only view of the case. To the Commission it appeared that the authorities were naturally led to comport themselves towards the people according to the force of troopers and police with which, in any emergency, they could make sure to coerce them. A smaller force, adequate to protect but not to defy the people, would have materially tended to abate antipathies on both sides; and might, indeed, have operated still further in preventing every extreme movement at Ballaarat, by calling forth a reciprocation of confidence between the people and their authorities.

Arrays of police tend mutually to provocation.

71. The Commission speak thus neither from mere abstract principles nor from imaginary views. A happy illustration came before them at the adjacent extensive gold fields of Creswick's Creek. Amidst an immense population, estimated at that time to be nearly

Opposite case at Creswick's Creek.
Bury, 2485, 2508.
M'Crae, 2477.
Bury, 2478.

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Taylor, 2485.

20,000 souls, the police force, consisting only of nineteen persons, including two sergeants and one sub-inspector, was so small as to be scarcely adequate even to the ordinary administration of justice; and even this force was very greatly reduced during the Ballaarat outbreak, in order to add to the camp at the latter place. The authorities, thus destitute of all protection against the people around them, and without even the semblance of a camp, seem to have been in reality more safe than in the midst of a regiment of bayonets. The miners even offered the protection of some of their number for a time in case of inconvenience from the paucity or total absence of the police—an offer that was accepted, and that is pleasingly illustrative of an entire confidence subsisting here between the authorities and the people. The fact that the extension of this gold field, during a time when official embarrassments had prevented the formation of the usual large camp establishment which in other circumstances it would have been promptly supplied with, has, in the opinion of the Commission, contributed in no small degree to maintain so important a locality, with its numerous people, in a state of contentment.

Disadvantages from military force.

Benson, 3691.

72. It is by observation of such incidents, as well as by general reasoning, that the Commission are entirely assured of the conservative elements upon the gold fields. They have full faith that the British character is not changed there, although British wants may be novel and somewhat urgent. The observations made with regard to the array of police upon these districts apply still more strongly and unexceptionably to military force, which, as an arm of the State, is never cordially regarded under the irresponsible forms of a colonial Government. Where a section of the people appear in armed insurrection the sooner and the more effectually they are put down the better; but the great point should be, so to meet the reasonable wants of the people as to prevent such a social outbreak, rather than to maintain a defiant arrangement for putting it down.

Illustration in late attitude of Government.

Circular letter, 13th Sept.

Rede, 5568, 5569.

Rede, 5561, 5562.

Rede, 5579.

73. The Commission may allude by way of illustration to an order issued from the Government, about a month previous to the Eureka riot, that there should be a more frequent and rigid enforcement of the license fee than heretofore. The police were to be ordered out at least twice a week to detect the unlicensed. The Legislative Committee, in its previous consideration of this subject, had found that the frequency of these collecting or detecting sallies of the police, under the former monthly system, had been one great cause of irritation, and with the special view of diminishing these occasions they had recommended, and the Legislature had adopted, a system for the encouragement of quarterly payments. The spirit and intention of this arrangement is now entirely contravened, and the Commission can scarcely doubt that this order had a very injurious tendency. The object of the Government was to increase the revenues from this source, which had been observed to be falling away; but under these circumstances previous experience should have dictated rather a change of the law. A fire is kindling from the use of some combustible material, and the official mode of extinguishing the flames is to increase this material. The Legislature had been guided by considerations of national character and of general human nature, which can never be safely overlooked in any legislation; the Government had considered the strength of its military and police. Their arm may not fail them, it is true; but it may occasion the evil as well as effect the cure.

Crisis might have been anticipated.

74. The Commission believe that the crisis which was evidently gathering on the gold fields would have been differently and more opportunely met had there been no military arm to rely upon. The introduction of the military into this colony was a measure connected with other and very different considerations than those of civil commotion. The rough hand of the soldier is a prompt cure; but it is a cure of the surface only, and it remedies nothing permanently any more than effectually. In so far as there have been grievances of a valid character to redress amongst the mining population, the presence of the military in this colony, available as they have been to encourage a resistant and unsympathising attitude in the authorities, has been a misfortune and a stumbling-block—a misfortune alike to the soldier and the citizen of the same blood thus ingloriously brought into mutual strife.

Amnesty question.

Minutes, 10th Jan.

75. Civil commotions are attended with the two conspicuous but opposite features of violent antipathies at the moment of action, succeeded by powerful reactionary sympathies. The haste, excitement, and confusion of such scenes tend to dissolve demarcations of guilt or innocence; and the absence of personal malice is a distinguishing mark of politicial from ordinary and base criminality in cases even affecting human life. These scenes, therefore, happily few and far between as they are in society, comprise a page which humanity longs for an excuse to pass over. The Commission have taken this matter into consideration with reference to the appointed "state trials." The severity of the law in such cases always nullifies its practical operation. State trials are the signals for popular sympathies, and they are ever a failure, except to call up an undesirable excitement, and to exalt a few obscure names to a coveted importance and good fortune, not greatly calculated to furnish a deterrent example, if such were wanted, for the future. In such trials, too, the testimony of witnesses is justly liable to suspicion, concerned as they have generally been, on one side or the other, and imbued with prejudiced or contradictory views. The Commission, after visiting the gold fields, after satisfying themselves that their countrymen there were not different from elsewhere, and that they were not without valid ground for complaints too long unredressed, although often improperly urged and without duly considering if powers of redress existed in the Colonial Government, agreed to the recommendation of a general amnesty of the past, as regarded the late outbreak. Unquestionably this is a subject open to

difference of opinion, and it is not one that the Commission themselves readily or unanimously agreed upon. Nevertheless, they express a regret that the Govenment should have been unable to accede to their views, and thus have closed a dark and reproachful incident, with the causes of which the Government themselves were not entirely unconcerned, and which there is perhaps a good ground of hope may never occur again.

Compensation for Individual Losses.

Compensation claims for individual losses.

76. The Commission now consider a subject connected with these disturbances that was brought very urgently before them by those concerned, namely, the claims for property lost or destroyed on the occasion. In most instances these losses arose from the destruction, by fire or otherwise, of interposing tents, and their contents, on the part of the police or military, on the 3rd December; in some by the Eureka Hotel riot; in others, again, by the levies or robberies of the rioters. Of these claims six are connected with the Eureka Hotel riot, representing an amount of 1,334*l.*, and including a claim of a creditor of Bentley for 577*l.* Connected with the subsequent outbreak there are seventeen claims, involving the sum of 5,279*l.* 1*s.* 6*d.*, besides four for insurgent levies, amounting to 417*l.* 17*s.* 10*d.* There is one claim for 79*l.* 4*s.* for illegal custody and loss of property. There is, then, a total of twenty-eight claimants, whose collective claims amount to 7,110*l.* 3*s.* 4*d.* A list of names, with description and amount of claim, is appended to the report.

Difficulties of the case, and recommendation.

77. This is a class of cases very difficult to be dealt with, and by no means invited by the Commission, who, from want of time and preliminary preparation, must have been restrained from entering into their endless bearings, even if this had been more strictly pertinent to their duties than they have judged it to be. However, as it appeared to them a just principle that the brunt of these commotions should not be borne by a few individuals, particularly if they were not proved to have had any connexion with the outbreak, the Commission agreed to accept from each complainant a statement of his claim made under affidavit. It is these statements that are now presented. Judging that the misfortune of such an outbreak, common as it is to the entire district, should, as far as possible, in regard to its effects, be transferred from individuals to the general body, the Commission commend the subject to his Excellency's consideration.

Departmental Changes.

Costly and inefficient departments.

78. The enormous expenses of a cumbrous official staff at the gold fields comprised a question in which the miners have felt themselves alike interested and aggrieved, no less than they did in other matters of more direct bearing upon their personal welfare. Nor was this merely an abstract question of general government. It amounted to a local grievance, from the general understanding that the gold fields were taxed for the purpose of meeting the expenses they occasioned to the public revenue. To the Commission it appeared that no small share of dissatisfaction arose amongst the mining population on account of these official establishments, their needless extent and complicacy, and their general cost to the country. The miners were governed three times over, and dissatisfied in proportion to the over-government.

All should be under one resident head.

79. From views drawn chiefly out of the evidence, the Commission have decided upon recommending a most radical change in the whole of this complex department. The most conspicuous part of this change will be, in addition to great numerical reductions, the economy and simplification of all official business, by placing one chief magistrate upon each principal gold district, who shall correspond directly with the Executive. This will involve the entire abolition of the present Gold Commission. The complaints in consequence of divided authority are endless and confusing. The Gold Commission Department, the Commissariat Department, the Police and Escort Department, the Stipendary Magistrates' Department, all revel in mutual independence, and jealously defend themseves from toils that the one may argue to belong to the other. The inconvenience and cost of such a state of things are evident. It has doubtless arisen from the haste with which the tide of gold digging poured in upon a colony and Government previously unversed in the administration suited to such emergencies. Its continuance may be, in great measure, attributed to the circumstance that an interest thus tumultuously developing has not possessed the advantage of representation in the local Legislature. There its legitimate delegates, armed by local knowledge and stimulated by local interest, could have effectively proceeded, in their proper battle field, to save, alike to the gold fields and the colony, an excessive expenditure upon a series of inefficient departments.

Expensive operation of Commissariat.

M'Mahon, 6104.

80. Amongst other instances the Committee offer a few observations upon the working of the Commissariat. Although the present mode of obtaining supplies appears the most expensive that could well be devised, the Commissariat regulations appear with studious diligence to place the department at still greater disadvantage by interposing obstacles of every kind in effecting settlements with those who have dealings with it. In this way the Government, which ought to be the largest and securest of customers, and therefore served more promptly and cheaply than all others, are, on the contrary, the least sought for. This department, therefore, avoided by the many, is administered to by some courageous few, who, in the furnishing of supplies, take care that they are well repaid for encountering the evils of deferred settlements and labyrinthal formularies.

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Illustration: contract for hay.

Chalk, 5212.
Fenwick, 5217.

81. If a complication of particular forms is necessary for the convenience of officia accounts, the Commissariat itself should prepare these, and not impose that trouble on those who may have dealings with it. Take a case that occurred at Castlemaine. The Commissariat run short of hay, because the contractor for the entire supply had got into difficulties, and his sub-contractors were refusing their quotas. In this state of things, an officer of the Gold Commission orders some hay, not from the contractor, but directly from a farmer, one of the sub-contractors. For the payment, however, which is another matter, this officer refers to the Commissariat. The Commissariat, as regards hay, knows only one individual —the contractor, and this contractor is credited the hay in question, with which he has, in this case, nothing whatever to do. His receipt is therefore necessary for the money; but the farmer had refused from the first to recognise the contractor in the matter. The inflexible Commissariat, in order to carry out its own forms and modes of accounts, eventually pays the contractor for articles he did not supply, and refuses the payment to the person who supplied the property. The contractor subsequently failed, and the real creditor is still unpaid.

Fenwick, 5222.
Relph, 5331.

Another case: fault in the want of a general head.

82. In some particulars similar to the above is another complaint laid before the Commission. One of the police orders a coffin for an unclaimed dead body. The carpenter supplies the coffin, but as he has never been paid his account, and seems under the impression that he has made a hopelessly bad debt, this is likely the last of his services the Government may avail themselves of. The policeman referred to the Commissariat, but the Commissariat, who had not perhaps been approached according to its own peculiar forms, have not condescended to the payment, and as nearly a year has now elapsed, they have apparently no intention to do so. The fault here seems to be in the want of some head office of reference, which commands and controls every department relating to the gold fields, and can therefore promptly and effectually meet all such claims without being defeated by forms, or denied by an independent department. The interposition of these difficulties must prove eventually of serious account to the public, as the Government business must either be left undone, and official wants unattended to, or, as is most commonly the upshot, their requirements must be paid for at an extra rate, often of enormous consideration, in order to compensate for such annoyances and loss.

Commissariat store astray.

83. Another case may be attributable to the reigning defects of management. The Commission, in proceeding from Castlemaine to Sandhurst, halted for an hour at a police station half-way, where a large wooden store, empty, and seeming never to have been used, attracted their attention. It appeared, on enquiry, that this structure, of goodly aspect and capacity, but a very expensive affair where it was not required, had been really intended for Sandhurst, but by some accident had made a premature halt at this station. As Commissariat doings were hidden things to the uninitiated police of that station, this body seems to have merely looked on and wondered. The store in question was deposited, completed, and duly locked up, and has ever since so remained. The Commission felt a natural curiosity as to any subsequent intelligence having reached either Melbourne or Sandhurst of this stray child of the Commissariat family, whose expensive training in the Australian wilderness was thus so useless to a parental public.

Illustration with the escort.
Turner, Appendix.
M'Mahon, 6078.

84. The Commission may allude to an illustration of divided authority in the case of the armed escort, a branch of the police, which appears to have careered with the customary extravagance. The escort expeditions, with stations at distances that seem even ludicrously short, were supplied at each station with a fresh relay of police, and, incredible as it may seem, these relays remained at their respective stations until the return of the escort, when they went back to the stations they had previously quitted, and so forth. In the case of the Ovens escort, to which these remarks more particularly refer, this circuit involved a period of a fortnight. For a distance of 170 miles, there were seven stages of these police relays, the first being Wangaratta, twenty-two miles distant from the starting point of Beechworth.

Only partially remedied.

M'Mahon, 6083, &c.

85. This state of things was afterwards partially remedied. The Commission say partially, because, although these escort relays are now liable for other than mere escort service—in fact, are held available for general police duty, and are doubtless an additional police protection along the lines of road—yet, with this exception, much of the former extravagance seems still to remain. As the Commission view the matter, this is a needless expense; for the slow journeying which is deemed advisable with this escort may well dispense with these brief stages, and possibly even with all of the present costly relay system. If some present police station cannot be made available for the supply of changes of horses, a small body of police may be necessary where such stations are positively required, and this small body would be available as a partial relieving force to the escort staff. At such stations grass paddocks should be enclosed for the use of the horses, in order to economise the great cost of fodder.

M'Mahon, 6085.

Head magistrate at each chief gold district.

86. The Commission conclude this branch of their subject by recommending that, instead of the present detached arrangements and divided authority, there be one head upon each principal gold district. These centres of authority may embrace the locations presently in charge of a "Resident Commissioner," namely, Ballaarat, Castlemaine, Sandhurst, and Beechworth. Avoca, the fifth of these locations, may, for the present, be excepted. At all gold fields, when the warden is not present, the stipendiary magistrate should be the officer in authority. Instead of a Commissioner of very partial authority, and responsible to the head of a General Gold Field Department, this Commission now recommend an office having authority over all others upon the gold fields, and communicating directly with the Govern-

ment. As this would form an office of great honour and grave responsibilities, it should correspondingly be occupied by one of competent attainments and matured years and experience. From the paramount importance of matters connected with the administration of justice for the auriferous districts, their novel developments, their valuable interests, and large population, this chief office should be of the nature of a magistracy; and if it may be viewed as an elevation or extension or any of the present offices, it may be considered as thus pertaining to that of the stipendiary magistracy rather than any other. Such an officer should enjoy a status equal to that of the heads of the principal colonial departments.

Title of warden for this office.

87. As the office of the head authority upon each gold field is a new one, it is advisable to distinguish it with a new name. Although in effect the officer would be a senior police or stipendiary magistrate, the Commission suggest rather the title of Warden, so long familiar in English mining. The Warden of the Gold Districts may enter upon a scene vacated for him by the entire Gold Commission and Civil Commissariat; in short, by the principals of all the present official departments, as well as by the greater proportion of the several staffs. The Commission, in this necessary and wholesale reduction, would except only the present stipendiary magistracy, whose services can probably in no case be dispensed with for some time, under the first pressure of new duties on the part of the Warden, amongst an increasing population upon the gold districts. This officer will be expected to preside personally only on principal occasions, as at full magisterial benches. He will report periodically the condition of his district, notifying its various developments, and receiving applications for privileges. Besides his capacity of general head in criminal and civil affairs upon the gold districts, he should preside at a local board for the framing of by-laws suited to the special circumstances of gold mining and other vocations within his circuit.

Experience essential. All magistrates.

Thompson, 2857, 2859.

88. In alluding to the Warden as an officer of grave experience, the Commission take the opportunity of adverting to the great importance of this quality in every magistrate, whether stipendiary or honorary. They conceive it all but impossible that very young men can be safely entrusted with such responsible offices, where the property, character, or personal freedom of numerous individuals are possibly exposed to the decisions of rash inexperience, or swayed about in a vexatious uncertainty before an incompetent bench, according to the rival dexterities of opposing pleaders, and withal resulting in a serious compromise of the character of Government.

Disposal of spare buildings, &c.

89. The separate character of the gold fields departments, and the large staff connected with each, have occasioned an extravagant extent of buildings at the different camps. Many of these will become useless under the system proposed by the Commission, and the mode of their future disposal must now form a subject of consideration for the Government.

Defective accommodations at gold fields.

M'Mahon, 6096.

90. The Commission, although in general meeting with a great excess of officers and establishments, found that some important places were not adequately supplied. Creswick's Creek, for example, whose sudden increase had left its requirements somewhat in arrear, stood in need of a few more police, which have since been granted, and also of a post office, a police office, and a gold receiving office. The gaols or lock-ups were generally in a most filthy condition, from accumulated vermin, and the edifice and its accommodations alike unsuitable. The females could see and converse through chinks in their wooden prisons with the male prisoners. The murderer and the unlicensed miner, the man convicted of the gravest crime and the man merely suspected of the most venial offence, were thrust together into the same den. This is a subject of the first importance, and should have taken precedence of various others, of commodious and substantial commissariat stores, and other edifices, which in the comparative scale should have been a second consideration.

Tardiness of arrangements.

91. These social requirements, however imperative, make often but a tardy appearance upon the gold fields, where the large and sudden tides of population require prompt and effective measures. Thus, as one witness observes, magistrates arrive when the crisis of crime-committing is past, and post offices are set up when there are scarcely any people or their letters to give them business. These delays have not always been chargeable upon the neglect of the local authorities; but, whether arising from the want of influential bearing in the representations of these authorities, or from the inattention natural to a divided camp, they will be alike remedied by the higher status and undivided authority and responsibility of the office recommended by the Commission.

Gold Commission, &c. may be dispensed with.

92. The Commission have thus proposed a competent authority upon the gold fields, and it will be a part of his duties to enter upon the details of change and reduction. In offering a few observations on this subject they may again remark that amongst other reductions the whole Gold Commission throughout the colony may be given up, a due provision being made for receiving the gold of the miners, to be forwarded per escort, for marking out their "claims," for deciding on their partnerships and differences, and for collecting the revenues under the new and less expensive arrangements in view of the Commission. For these duties this Commission conceive that the requisite staff may be very much smaller than at present. They do not hesitate to say that, comparing the one entire case with the other —the one they propose to do away with, and the one they propose to institute in its stead— the latter may be cut down to one third, or even to a smaller proportion.

Great reductions in police, especially troopers; economise by use of military.

93. By the simple change, for example, of abolishing a compulsory and vexatious license fee, one half of the present police force may be dispensed with. By other curtailments there

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may be still further reductions, perhaps in the whole to the extent of two thirds. Attention is particularly called to a very great reduction of the present expensive force of mounted troopers, whose numbers seem to be quadruple of what are now necessary, or at least of what will hereafter be needed under the new system. It seems not improbable, indeed, that, by the use of the military in particular cases upon the gold fields, while this force remains in the colony, still further reductions might, with comparative economy, be effected in the police. The military might, for example, be taken in small bodies for escort duties, treasure guards, and gaol sentries. It is assumed that in these positions their military discipline would not materially suffer, nor would that discipline prove a disadvantage in the duties they were appointed to. The judicious distribution of the police through the body of the population for their effectual protection, instead of the force being invidiously centralized at camps or stations, will result in a mutual good feeling, and the usual aid of a special constabulary on occasions of emergency.

Humffray, 58.

Fee on mining disputes.

94. The numerous cases of mining disputes respecting claims, which now occupy considerable time of the public officers, may be greatly reduced by a system of charging small fees in such cases. At present no charge is made for administering justice to the miner in these matters. The consequence is that one half of these cases are of a frivolous character, and it is estimated that by the imposition of the fee in question the official time needlessly wasted upon this proportion would be saved. There should, therefore, be an officer upon each gold field to settle as to mining differences, by aid of stipendiary magistrates and assessors, with right of appeal. The charge should not be less in any case than 20*s.*, payable by each party; and, according to the importance of the case, this may extend to 5*l.*; the amounts to be paid into an office prior to adjudication, and the award against the party at fault to include the other's share of the cost. The miner must, in some branches, have special laws, which are framed for and not against him. In the case of the gold fields it is necessary to furnish the facilities here contemplated; but it is only reasonable that the cost of administering for these private disputes should be borne there, as everywhere else, by the contending parties themselves, and not by the public.

Bradshaw, 168.
Panton, 4438—4441.

Stipendiary to be aided by honorary magistrates.

95. In the further pursuit of economic arrangements, a few of the more prominent and respectable amongst the miners should be invited by the Executive to act as honorary justices, and nominated accordingly, in aid of the stipendiary magistracy. With reference to mining differences, lists of jurors, qualified with the miner's right, should be made out, and from these the Executive might nominate magistrates for each gold field, and fill up places at the local boards proposed for framing by-laws suited to each district. These boards might therefore be expected to be composed of the officers in charge upon the spot, assisted by intelligent miners. These arrangements, which no system of general legislation could properly provide for under the various and changing circumstances of each gold field, are calculated to promote general harmony and an efficient and pacificatory as well as an economic management.

Humffray, 31, 32.

Financial Changes.

New sources of revenues: Miner's right and assessment.

96. The Commission now turn their attention more particularly to considerations of revenue. Although abandoning the present license fee, they would still retain, on the principle already stated, a charge upon the miner for the privilege of mining gold. But its amount would be so unimportant, and the benefits to be derived from paying it so conspicuous, that the authorities may be saved all the expenses of an active collection by leaving to the miners the care of providing themselves with the "miner's right." The Commission do not, of course, anticipate much revenue from this source. They have in view that a moderate amount of revenue shall be derived from another and an indirect source, namely, a duty on the gold produce. The advantage arising in both these cases is, that while they together involve the payment of a smaller amount by the public than that of the present license fee, the payment falls more equitably as regards the successful and the unsuccessful, and it is collected at much less cost, and without the occasions of social disturbance that seem inseparable from the present system. It is therefore in every respect a change for the better, and a gain instead of a loss.

Objections to a former proposal of the assessment or duty on gold.

97. The question of a duty, or, to use a more suitable term of English mining phraseology, an "assessment" upon gold, has been one already much debated in this colony. It was proposed on a former occasion by the Government as an aid to the revenues, but objected to by the Legislature, and, indeed, apparently by the public generally at that time. The grounds of objection seem to have been, first, that the miner was already taxed sufficiently in the license fee, which it was not proposed to interfere with in imposing this export duty; and again, that the lowering of the price of gold in Victoria (the effect of course of such a duty), from a cause that did not exist in the adjacent colonies, would prove prejudicial in occasioning much of the gold to be smuggled out of the colony into those adjacent and higher markets.

Circumstances now different.

98. In the present case, the first of these objections may be considered obviated in the abolition of the license fee. The second no doubt remains, and has been the subject of the Commission's consideration, as well as any other points that may affect the question. They find that circumstances have been gradually tending to facilitate the levy of this proposed assessment. They allude particularly to the fact that, whereas at first the mercantile public were the sole buyers of the gold, the purchasers now are almost solely the various colonial

M'Arthur, 5444–6, 5478.
Miller, 5407.

banks, through their agencies upon the gold fields. At least four fifths of all the gold appears now to pass through this channel.

Matheson, 5488.

99. The Commission have agreed to recommend 2*s.* 6*d.* per ounce as the amount of the assessment. In coming to this conclusion, they have had before them several circumstances of an opposite tendency to which they proceed to advert. The evidence, if not unanimous, is generally favourable to this mode of raising a revenue, rather than the one now in force. It is, of course, natural that the miners should prefer a low to a high rate, and accordingly their evidence is generally, although not unanimously, for a lower rate than that now recommended. A lower rate than 2*s.* 6*d.* per ounce would produce a very unimportant proportion of the public revenue as compared with the amount of the public property involved. But the Commission would call attention to one feature of the case which they conceived an advisable measure, and which practically reduces considerably to the miner the actual effect of the assessment, namely, the free carriage of the gold by the Government armed escort. This arrangement seemed advisable on other obvious considerations. The Commission, therefore, recommend that all gold at the mines on which it is arranged that duty is to be paid prior to its leaving official custody be conveyed to town free of any charge. The present escort charges for the conveyance of money, or anything else than the raw gold, may remain undisturbed.

Propose rate of 2*s.* 6*d.* per oz. with free escort carriage.

Childers, 5635.

M'Arthur, 5466, 8.

100. The Commission have to remark that but for the arrangement of a free escort service they might possibly have felt called upon to propose even a smaller rate than that now recommended. They are aware that very much higher rates than even 2*s.* 6*d.* have been spoken of; but such considerations appear to them quite inconsistent with the present and prospective average earnings of the miner. The fortunes of a comparative few are no relief to the great mass, who are earning but a narrow and precarious livelihood. Indeed, the condition, present and prospective, of the miner in his individual capacity, as distinguished from the co-operative efforts of machinery and capital, is one sufficiently desponding, however cherished it may be by the miners themselves for its feature of simplicity and personal independence. With the fact before the Commission that these individual earnings have materially fallen off within the last eighteen or twenty months, from whatever cause, and still continue to fall away, they not only conclude upon the limited assessment recommended, but consider that even this cannot be maintained as a permanency. The present system of "individual mining," as it is distinctively termed (although usually consisting of a party of three or four individuals), promises to present ere long a scene of laborious and unrequited toil that every one must wish to see either given up or materially improved in its effective operation.

Reasons for this rate.

101. This leads to the devising of a revenue from other modes than individual mining. Necessity and obvious advantage have now made these other modes so extensive, particularly on older gold fields, where the rudeness of past efforts has still left large quantities of auriferous material, that local regulations must, in fact, henceforth be framed mainly for these newer modes, instead of, as heretofore, solely for the individual miner. In a financial point of view, therefore, it appears to the Commission that a system of charge should be instituted to meet cases where any privilege beyond that of the individual miner should be required and applied for. There is here a promising source of revenue, over and above the assessment, and the more unexceptionable, as it may be anticipated to proceed from ampler earnings, realized under fewer privations of uncertainty and physical toil.

Revenue for privileges beyond those for ordinary mining.

102. To furnish some idea of the extent of these newer modes of gold mining, it may be mentioned that when the Commission were at Ballaarat upwards of twenty steam engines were expected on the ground, in addition to seven already at work; that at Forest Creek there are upwards of 200 puddling machines, and in the whole Bendigo district about 2000. It is of course impossible that these improved appliances can be worked upon the same limited areas allowed in the regulations for the ordinary mining. These wants should be met upon some impartial and methodical system, by a determinate charge for the extra allowances, over and above the direct payment for the miner's right and the indirect one of the assessment.

Puddling machines.

Stewart, 1168.
Kenworthy, 1355.
See par. 120.
Panton, 4510.

103. Other sources of revenue from the gold fields will be found in the issue of licenses to various traders and to other persons not resident miners. Regarding the present system in this particular, the Commision would point out what seems to call for change. The storekeepers license of 50*l.* a year appears too high; nor does there seem good ground for some distinctions of rate between one kind of trade and another. The auctioneer, who pays but one half of the storekeeper's rate, finds no practical difficulty in merging both professions at convenience, and deals with an audience of one as well as of a hundred by the form of entering his pulpit, and knocking down a bottle or a bale at the price agreed on with his customer. A moderate rate, to be equal in both cases, seems a more satisfactory course, and the Commission recommend that this rate be 20*l.* yearly. No general hawking license, acquired as this is for a much smaller sum, should avail for dealings within a gold field; and with regard to unlicensed traders who have hitherto taken many liberties, it may be hoped that a proper distribution and constant patrol of police, as recommended by the Commission, will soon check an evil so generally and justly complained of. The wholesale spirit license of 50*l.*, and the public house license of 100*l.* yearly, may continue as hitherto. The Commission consider that all persons resident upon the gold fields in the practise of a profession, trade, or calling of any permitted kind, should contribute, on some reasonable scale to the public revenue, and on some principle that will include a consideration of the area of

Other revenues: Storekeepers and other licenses, fees, and fines.

Dyte, 1344.

Wood, 648, and compare Pyke, 3274–9.

M'Millan, 1142.

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ground or other privileges they require for their vocation. The fees or fines arising from disputed claims, from the registration of mining partnerships, and the adjudication generally of local tribunals will form other sources of income.

Estimate of future gold revenues.

104. It is a subject of some difficulty to estimate the probable annual amount from each of these sources of income. One difficulty arises from the uncertainty as to the future extent of quartz crushing and leasing of auriferous lands, a promising source, if one may judge from the attention at present paid to the former subject. As regards the gold assessment, about 1,750,000 ounces, as an approximation to the present produce, may be expected to pay duty, yielding about 220,000*l.* The miner's right may yield 40,000*l.* the store-keeper's license 30,000*l.*: all other sources perhaps upwards of 60,000*l.*; making a total of about 350,000*l.* Although this amount of income, viewed solely in the light of a gross sum, and without reference to actual net receipts to the Exchequer, falls short of the results under the present system, yet under the whole arrangements proposed by the Commission, and the greatly diminished expenditure which these involve, they feel assured that in regard to the gold fields the general revenue will be left a gainer.

Present Mining Practice. "Individual Mining."

Earlier mode of mining.

Tough, 1082.

105. The earlier efforts at mining in Victoria were confined to what has since been termed *surfacing* and *shallow sinking.* It was very common at first to see persons washing only the surface gravel found immediately below a scanty top soil. Many adventured a few feet lower, washing out everything that was thrown up. Some who sunk still deeper appeared in these days of inexperience to be working much at random, and their adventurous curiosity did not command general imitation. The official regulations at this time were framed in consonance. The miners formed themselves into small parties of three or upwards, seldom exceeding five or six, who divided between them the duty of keeping the tent, digging up the material, and transporting to and cradling at the adjoining creek. Each miner in these circumstances, paying his license of 30*s.* per month, had a superficial allowance of eight feet square, and so soon as he had worked out one place, or was disposed to try another, a fresh selection was allowed him.

Deep sinking.

106. This practice of superficial digging and surface washing has since been generally although not wholly given up. The Chinese, who have arrived in very large numbers upon the gold fields, form the chief exception, and still carry on this simple mode, characteristic of the ealier stages of gold mining. In the deeper sinkings, although the rewards were precarious, the colonists were often largely as well as unexpectedly reimbursed for their labours. This mode thus became more general, and soon led to some practical rules, derived solely from Australian experience, that aided the miner in his search, and often saved much useless labor. If he could never tell were the gold actually was, he could, at least by merely observing the labours of others, pronounce often with some certainty where it was not, and so save further toil at any particular spot. This deep sinking was connected with the later practice of "bottoming," in which the mass of the "drift," that was previously wont to be washed in its entirety, was passed over, excepting a small quantity immediately adjacent to the rock or bottom on which it rested. Hence arose the terms first and second bottoms: the first, relating to drift, resting upon a soft shaly bed of various light hues called the pipeclay; the second, to another drift-mass arrived at in boring through the pipeclay, and beyond which it is supposed there are no further auriferous drifts.

Yarra bed, near Anderson's Creek.
Panton, 4586.

107. This lowest bottom, "the rock," as it is emphatically termed, in reference to its character as a bar to further digging for gold, is often the depository upon its irregular surface of considerable gold deposits. The Commission, in a recent visit to the Anderson's Creek diggings, found that a small party of miners in that locality had detected this description of bottom in the bed of a portion of the River Yarra, and had dammed off portions of the river, in order to obtain access to the bed. The rock in question, a slaty stratum of a dark bluish gray hue, with a considerable inclination, offers many irregularities of surface, between the layers of stratification, and it is in these that the particles of gold are intercepted, as in the artificial breaks of a cradle. The miners carefully cleaned out these crevices with a mason's trowel, and washed the material in a tin basin. The yield, however, seemed very poor. This natural cradle, which had been operating for ages of time, was still so scantily charged as to give to the miners engaged in it only a bare subsistence.

Regulations altered for deep sinking.

Tough, 1052.

108. The general practice of distinguishing a particular drift or layer as more auriferous than the mass of material met with in sinking, led to the custom of driving, or undermining, in order to throw out this drift. The object in sinking the shaft was now only to reach this drift as cheaply and promptly as possible. The official regulations had, under these circumstances, been altered, as to allowance of surface, from eight feet square to twelve per man, four such "claims" being permitted together to any one party consisting of at least four licensed individuals.

Ballaarat mining.

109. The deep sinking and second bottoming have been chiefly exemplified at Ballaarat, where gold digging has indeed become even more precarious than elsewhere, but for this very reason suggestive of curative arrangements as to copartnery, association, and the aids of capital and machinery, that promise ere long to furnish good suggestions for mining legislation, and a good field of mining prosperity.

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Uncertainties of "lead" and "gutter."

110. The Commission here found the sinkings to extend to nearly 200 feet in perpendicular depth. One shaft was 194 feet deep. These shafts are regularly "slabbed" down the sides with small split boards of the stringy bark tree, and the pit is in the form of a square for the conveniency of this operation. This process is necessary, alike to sustain the sides of the shaft, and to arrest the water oozing out of porous layers of materials by means of a clay puddling behind the boarding. In these deep sinkings generally everything is disregarded excepting the lower bottoms. There the drift is taken out, and either all or the lower part of it is washed. Large quantities of gold are occasionally met with in crevices or gutters of the subjacent slaty rock. The idea generally pervading the mind of the miner is to this effect, that there is a lead, or particular direction of the main charge or accumulation of gold, formed by the in-pourings in former times from the surrounding country. This lead takes a very irregular and wholly uncertain direction. It is not found in directions at all conformable to the lines of lowest level of the present valleys. "The gutter" is a term applied to a supposed central line of this lead, into which, as into a groove or ditch, the main mass of the gold had been brought together. The grand object is to strike upon the lead, and catch the gutter, where the rewards are sometimes of a very stimulative character.

Influx of water in sinking.

111. These deep sinkings are rendered additionally expensive by the influx of water from below, or from the sides, as the shaft descends. Time and capital are therefore necessary in every instance of this kind; and it is a matter of no small importance to have some guidance as to the whereabouts of the lead before a party commences such costly sinking. The clearing out of the water, which is still commonly done by manual labour, is so difficult in many places as to prohibit pioneering in new localities, unless by the co-operation of several mining parties. This difficulty, however, has been the means of introducing the efficacious aid of the steam engine upon the gold fields. In other respects, these difficulties have gradually worked their own cure by the co-operating arrangements they have called forth among the miners. The superfluous capital of one party has thus been directed to aid the poverty of another, whose industry eventually gave profit to both.

Partnership arrangements.

112. This system is an interesting exemplification of ameliorative measures naturally springing up to suit local circumstances. The practice at Ballaarat, when it is proposed to sink a shaft, has been to form a copartnery with so many shares. A part of these shares is retained, of course, by the originators, who, being generally poor, dispose of the rest in order to raise the capital necessary for the undertaking. This share dealing has become a multifarious business, giving great facilities to the body of poor but industrious miners, without which they must, in many instances, have been unable to carry through their undertakings.

"Shepherding," claims.

113. The probable direction of the "lead" was the great preliminary question in the sinking of a shaft. It was, therefore, the interest of every one to let his neighbour go down first, that he himself might escape the expense of ascertaining this important point. If the lead was detected, every one in expectancy went promptly to work; if not, the immediate vicinity was probably abandoned for a trial elsewhere. Hence arose the practice of "shepherding" claims, those areas of twelve feet square respectively, of which by the regulations one man could hold four together, on account of as many licenses, for an indefinite term, by simply watching or shepherding in person on the ground, and effecting some daily but very facile manœuvring with his spade. Claims were thus in every promising spot taken up by individuals or copartneries, who were able to keep on a shepherd, at a cost usually of 20*s.* a day. If the lead failed to be found amongst these claims, they proved worthless, and were given up; but, on the other hand, if the lead were traced in their direction, they immediately acquired value, and might sell for a large amount. Large areas of the most promising grounds were thus monopolized by active and knowing speculators, who had, perhaps, no intention to make use of many of them, at least immediately, and who not only held more than their due, but prevented the auriferous soil from being made at once available by those who most needed its produce and who were both willing and ready to work it.

Crichton, 1246.

Woodhead, 327.

Suggestions.

Changes in regulations suggested.

114. Such are some features of gold mining as it has developed itself at Ballaarat, where this vocation assumes, perhaps, an aspect more interesting than upon any other locality. It has been evident to the Commission that the present regulations require some change. On the gold fields generally the lands that have been partially washed should be dealt out in larger measure to those who will try them a second time. In the case of Ballaarat, where such expensive preliminaries in searching are required, the area to each party should, as a general rule, be more considerable than forty-eight feet by twelve, or twenty-four by twenty-four as an ordinary maximum. Hence has arisen the contentious practice of claiming or seizing upon an extra margin by way of a "wall," making 26 by 26. Seventy-two feet by twenty-four, to a staff of not less than eight or ten hands, appears a more suitable space from which to give a due chance of drawing adequate remuneration for the time and labour of preliminary outlay. The proposition that the longer line of this oblong should be across the supposed lead, the shorter being in the line of its probable direction seems also reasonable, as there may usually be many applicants for that of which there is but a limited quantity. There may also be encouragement to such arrangements as are calculated to save an

M'Gee, 812, 94.

Tough, 1060.

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unnecessary number of shafts; for amongst a number of small mining parties closely packed together it seems a needless waste of labour that every one should go through the expensive routine of sinking a separate shaft.

A local board for details and bye laws.

115. But the difficulty of proceeding into further detail on a question almost purely local, and the fact that such remarks do not apply to the whole area of any one gold field, much less to the circumstances of any other gold field, have suggested to the Commission the expedient of instituting in each district local boards or tribunals, with adequate powers to frame special regulations for each locality. Such boards economize, and therefore render more remunerative, the working of the gold fields. Their influence and local experience would bring to a bearing questions that appear complex to those at a distance. The expensive monopoly of shepherding, for example, would be met by either limiting these holdings, or what seems still better, by compelling their being held by such a number of hands as must ensure the claims being put to use. Such a board would have duly before them the necessity alike for an area sufficient for each case, and for such reservation of dealing as may still enable them to meet impartially the wants of all.

Woodhead, 326.

Higher Mechanical Appliances.

Puddling Machines.

Importance of puddling machines.

116. At the other gold fields generally the "auriferous series," as it may be called, of first and second bottoms, and the exciting problems of leads and gutters, characteristic of Ballaarat, do not so distinctly appear. In these cases the more general diffusion of the gold has made the vocation less individually speculative, while, at the same time, the scantiness of this diffusion, as experienced, at least, by the individual mining process, has suggested certain improvements in mechanical appliances of a promising character. Conspicuous amongst them are the puddling machines, by which, with the aid of horse power and apparatus on a large scale, the washing is far more effectively conducted than by the old mode of hand-cradling. By this larger machine there is already a species of revolution in gold mining, the process being so effective, in a comparative sense at least, as to permit of all the old and deserted ground being re-worked, and, indeed, the whole superficial mass, from the surface down to "the rock" being profitably passed through the washing trough.

Panton, 4522.

Insufficiency of water.

117. The most serious limitation to this improved machinery is the deficiency of water. Excepting during winter and spring, no adequate supplies of this necessary can be expected as regards most of the present gold fields. Already at this moment, as summer passes onwards, the river beds present a vast mass of viscid mud, produced in great measure by the wholesale operation of many hundreds of puddling machines; and it is only by some exertion of authority that a sufficiency of "water holes" and natural reservoirs can be preserved to the population for their ordinary use. The diggings of the Ovens district offer in this respect advantages that give great promise to that locality. They are accessible to supplies of water throughout the year, and some exertion on the part of the miners of that place has tended to give a general distribution of the water over the grounds, by means of artificial races or watercourses, which are, in some instances, miles in length. To this ample supply may be attributed what appears to the Commission to be the fact that the remuneration on this gold field is more equally distributed, and bears a larger average than upon any other, with reference, at least, to the results of the ordinary mode of mining.

The formation of water reservoirs.

118. The Commission earnestly direct the attention of Government to this question of the supply of water, as it is one that in its present state must shortly embarrass the operations on the gold fields, and seriously retard the prosperity of the colony. The formation of great reservoirs of water in the vicinity of each important gold field, when physical conformations will permit at reasonable cost, seems a great and necessary duty of the authorities. From whatever source the requisite funds are to be derived, this duty, and the advantages that will result are not the less conspicuous.

Ottway, 1439–42.

Encouragement to private efforts.

119. In the meantime, private efforts towards the same end should receive direction and encouragement, and be freed from vexatious interference to which the letter of the present regulations might expose the miner. A suggestion, that well-digging should be encouraged by permitting the sale of the water, is worthy of attention. The fact that water is actually sold on some of the gold fields, during the dry season of summer, at 1*s.* 6*d.* per bucket, speaks strongly as to the effect upon the scale of production that must result from an ample and permanent supply of that element.

Mollison, 5856.

Mollison, 5872.

Order against puddling machines and protest.

120. This scarcity of water has, with reference to the puddling machines, induced the Commissioner at Castlemaine, since the visit of this Commission, to issue a prohibition, dated 25th January last, of all such machines that are placed upon main creeks within that important district. For a variety of reasons stated in the proclamation, these machines are required to cease working from 31st March following. The Commission are induced to notice this matter rather from the magnitude of the interests involved and the impropriety of these interests being so entirely controlled by the officer in question, than from questioning the necessity or otherwise of such a proceeding. A delegation from the owners of puddling machines has lately waited upon this Commission, as well as elsewhere, with a

statement of their complaint, and a request that the prohibition may be at least postponed for further consideration. It seems all but impossible to work the puddling machines elsewhere than upon main creeks. The statement, after denying the injury to the water to the extent alleged by the Commissioner, and also the interference with the individual miner, proceeds to state in the following extract the magnitude of the interests at stake:—"There "are 203 machines situated on Forest, Barker's, and Campbell's Creeks, and their tribu- "taries, and capital invested in plant to the amount of 90,000*l.* Your memorialists have "to expend annually in forage, for horses, 112,320*l.*, and they give employment to 847 "men, whose annual household expenditure amounts to 132,800*l.*, exclusive of 287 wives "and 861 children, whose maintenance costs annually 70,026*l.*," &c. The document goes into other items, which raise the annual total to upwards of half a million sterling thus involved in the commerce of the place.

121. If an interest of such magnitude should be thus controlled by an irresponsible Government officer, the status of a Resident Gold Commissioner is at least inadequate to so grave a duty. The Commission rather agree with the spirit of the views of the delegates alluded to, as expressed in their letter to the Chairman, dated 19th February instant, that steps of this kind should not be taken without the concurrent sanction of some local board established for framing by-laws suited to each locality, and including in its body a proportion of intelligent and experienced miners. The Commission, therefore, would greatly regret to see the present prohibition carried out, even although justified by any after enquiry. As a precedent, so summary a disposal of a large amount of private property must prove a most injurious discouragement to the after progress of the gold fields. Nor can the Commission readily believe that such a step is actually necessary. If taken generally upon the gold fields, it must be ruinous to thousands, and materially affect the whole production of gold. Improvements involving general advantage may possibly involve some general inconvenience, and an inconvenience of this kind appears to have been strongly urged by many upon the Commissioner, and to have induced the order in question. The one side must be judiciously weighed against the other in such matters. To prohibit such improvements on account of the inconvenience may resemble a Government prohibiting the use of bread to the people, under the apprehension that such a use might involve a scarcity.

Remarks on this proceeding.

122. On this subject of puddling machines, of which no less than 2,000 are stated to exist throughout the Bendigo district alone, the Commission may remark that the necessities of the case, aided by a code of suitable regulations, will suggest arrangements important to the public convenience; but these cannot be suddenly devised. The suggestion, for example, of causing the sludge of each machine to be turned into an adjacent large pit made for the purpose, or that of cutting a ditch for the special use of these machines so as to secure the creek, are still looked upon as very questionable expedients. The puddling machine, from the comparatively small capital involved, is an appliance very generally accessible to the miners; the cost of each need not exceed 75*l.*, besides that of the horse, and these machines are said to return fivefold the remuneration of the old mode of handwashing. With the usual party of four men to each machine, the yield is estimated at two ounces of gold per day, or about 37*s.* per day to each man.

Extent and promise of this machine.

Avery, 3514, 15, 19.
Panton, 4593.

Emmett, 4369.

Quartz Crushing.

123. Quartz crushing is another process of gold mining that falls under the Commission's notice. This process is at present carried on chiefly at Bendigo and Ballaarat, but as yet to a very unimportant extent in any locality. The Commission express their disappointment as regards the efficiency of any machinery that came under their observation; but the testimony of the witnesses as to the richness of the auriferous quartz of the colony suggests the highest promise for the future. With a minimum of not less than three ounces of gold per ton, and an average stated to be as high as seven ounces, in the locality of Ballaarat, where this material is superabundant, seems to place the colony on the threshold of untold riches.

Quartz crushing, its ineffectual condition.

Barrett, 6222, 3, 6264.

Mollison, 5831, &c.
Ottway, 1432, 3.

124. The several modes of quartz crushing presented to the Commission were as follows, premising, however, that by the preliminary operation of burning the quartz after the manner of limestone, this naturally hard material was rendered so friable as to be easily broken up with a moderate power:—

Three different modes.

(1.) On the stamping principle, by which the material was crushed under a heavy iron mass, raised by steam power, and falling by a rapid process on the quartz by its own weight. After a rude crushing, the proportion of dust was screened, and the larger fragments returned to be recrushed with fresh quartz.

(2.) An adaptation of Berdan's principle, by which the quartz was crushed in a basin by the weight of large iron balls rolling over it.

(3.) By means of large heavy wheels or millstones put in motion by horse-power, an arrangement that, although the rudest, seemed for the present the most efficacious.

125. The uncertainty of the present regulations as to quartz crushing may assist in explaining the small progress hitherto made in a mode of mining that promises so much for the colony. The Commission, in admitting the necessity for totally removing this uncertainty, are also well aware of the difficulties of the case. The area, or the extent of quartz vein, that may be leased out for the use of any quartz crushing

Leases of quartz veins, and extent of vein to be allowed.

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party, must be regulated by the probable number of such companies, and the extent of the rock available for their use. Under the impression that these companies will not be very numerous unless decided improvements take place in the modes of crushing, the Commission incline to advise a liberal dealing, as a mode best calculated to ensure these improvements. The extent of quartz veins in the gold fields around Sandhurst, comprehended in a space of about thirteen miles by six, has been estimated at sixty miles in length. One disinterested witness suggests 200 yards in length of vein to each company, and with this view the Commission so far agree, that they would recommend one eighth of a mile, or 220 yards, as a maximum. They would deem the larger allowance of a quarter of a mile too great, as suggested by another such witness. The extent here recommended would supply work for probably a period of several years.

Mollison, 5834, 5.

Mollison, 5829.

Question of rental: richness of the quartz.

126. The payment for the privilege of this lease, supposing it to be for a period of five years, is another question. The Commission have already adverted to the principle of levying a special charge in all cases where more than the privilege of the individual miner is required. This payment should be levied on some clear principle of proportion according to the extent of area required, and not by way of a per centage on the yield of gold. This latter mode may be available perhaps in the case of large public companies, but it seems quite unsuited to that class of smaller local copartnerships which, even in quartz crushing and in other uses of machinery, will, as the Commission believe, form the great proportion of applicants for leases upon the gold fields. The probable yield of the quartz should of course form an element in the estimate of rental. The evidence does not shew that the other quartz rocks of the colony are so rich as those of Ballaarat. The report upon the quartz of Bendigo, as regards particular veins, or the richer portions of them, is sufficiently encouraging; the average being found as high as eight ounces per ton, with instances of even seventy-five ounces per ton. But the mass of the rock is estimated to contain only two to three ounces per ton—a rate, however, that, although apparently low for Australia, seems most strikingly beyond that of the auriferous rocks of all other countries.

Panton, 4527, 4528, 4531, &c.

Mollisson, 5836, 5840.

Principle of levying the rental.

127. The reasonable consideration for such a lease might warrant a rent charge varying from 100*l.* to 250*l.* a year as the maximum. This lease, for whatever term, should not bind any proprietary to the full termination, if, by efficient machinery, the work was previously accomplished, or if for other reasons it was found desirable to cease work or remove elsewhere. It does not seem desirable to impose a charge proportioned to the power of the machinery to be employed, or of the other resources of a copartnery. In some degree proportioned to such powers must be the larger capital necessary to bring them into play. Improvements and powers in this respect are so desirable in themselves for unfolding the great mining resources of the colony, and they are so unlikely to be carried to any hurtful extent, that it would be better to await the actual advent of any injurious bearing from this cause than to anticipate, by depressing regulations, a benefit that seems so real, for a contingent evil so imaginary. Individuals, or small associations, under those regulations, may, by taking limited extents of quartz vein, reduce the annual charge to a very small amount, and so render this mode of mining generally attainable, so far at least as concerns the Government charge. In such cases, too, the arrangements may often permit of leaving for the future use of such lesser companies a spare area of quartz vein so as to save frequent removal of plant and machinery.

Crushing quartz on terms for the miners.

128. The Commission allude with pleasure to one mode of arrangement in quartz crushing that seems likely to be, ere long, a common one upon the gold fields, namely, where a capitalist or company get up a quartz-crushing apparatus with a view of establishing an agency in the crushing of quartz for the surrounding miners. There is much of promise in this mode of conducting business between the capitalist and the working miner, where each entirely depends upon the other. These establishments might be pleasantly pictured as hereafter competing with one another for the custom of the miners, and running with each other an edifying race in the improvement of their apparatus, and the cheapness and efficiency with which they accomplished their business. The prejudice against capital, which experience shews to be nearly inextinguishable in the theories of many working men, would not here find play; and this new colonial crop—the grist for a mill peculiarly Australian—might be regarded as being, it every sense of the word, a golden harvest.

Auriferous Lands, Leases, and Machinery.

Where above four claims may be leased in one lot.

129. The Commission have alluded, with regard to leases, to the special case of quartz veins. They now direct attention to the general question of leases of auriferous lands, to meet the case of all appliances of capital or machinery that require an extension of privilege as compared with what is needed by the individual miner. In these cases the undertaking frequently requires so strong a force of hands, that viewed as regards its copartners or assistants in the light simply of a co-operating body of individual miners, the separate rights of each as to area might, when the whole was placed together, suffice for the wants of the enterprise. It will be recollected that the present arrangements do not permit of more than four such rights or claims being held together by any one party. This extended arrangement is suitable to many cases, particularly to those of copartneries likely to be formed for more effective mining amongst the working miners. It is, therefore, not to be lost sight of, although it will not by any means meet the whole question. Such a regulation, if it should stop there, would frequently tend, in fact, to an inverse effect of rewarding those who con-

ducted their affairs expensively, to the discouragement of a better economy that showed to all how the same wealth could be raised at less cost of labour, and how such labour could be saved in a prosperous colony that should have nothing to spare in this respect.

What lands should be open to lease.

130. The lands most suitable as the subject of leases or other special arrangements, in addition to those containing quartz veins, are, in the first place, all new auriferous lands prospected at the instance of the applicants for those privileges. These may be dealt out with a liberal hand as compared with those within established gold fields, which form the second head of this subject. In the first instance there are no other parties to be interfered with, and an enterprise useful to the colony and occasionally doubtful as to its remunerative results, claims due encouragement. In the second instance, namely, that of an established gold field, the ground is already covered, it may be, with thousands of miners, keenly contending with each other in a rude and rapid mode of procedure that soons brings into occupation every spot of the more promising areas of the gold fields. Every one of these miners has virtually a lease from the authorities, which should be respected as much as any other. In the case of such a working gold field, therefore, it is evident that only the less promising areas left untouched by the individual miner, and those parts he has already overrun and abandoned, but which are still available for better machinery, that can be considered open to the comparatively wholesale abstraction contemplated by the leasing system.

New prospected grounds; period of lease and rent.

131. To return to the first case, that of leases of new auriferous ground, the Commission would recommend an area not exceeding eighty acres. As it is not advisable to bind lessees to engagements they may not find advantageous, so, on the other hand, it is right that they should not have the option of very lengthened terms, which, in a colony so subject to change, may operate to the public disadvantage. The Commission would be glad if periods not exceeding seven years would suffice; but, at the same time, they are aware that good reasons will be brought forward for longer terms, reasons connected with the stability of buildings and the efficiency of machinery, that may not be controverted. They hope, however, that a term of lease not exceeding fourteen years may be found to answer every purpose. In the consideration of the very uncertain subject of the yearly rent for such lands, the Commission would only state that they think this should in no instance be less than 5*l.* per acre.

Advantage of liberal encouragement.

132. The area of eighty acres here named is large for auriferous lands; taken even as a maximum not likely to be always either applied for or allowed. Countless treasures may possibly be passed from the public possession within such an area. But with the experiences of Australian mining, so may it possibly prove with even the one thousandth part of this area. But such treasures must remain dead to the colony, if from want of encouragement they be not discovered and developed. The Commission would remark further, that the colony may well regard such contingencies of private success without either reluctance or apprehension; for one such instance would, as a general stimulus, prove incalculably more beneficial to the public than any amount of treasure that had thereby passed into private possession.

Mode as to lands abandoned only in dry weather.

133. Recurring to the case of the established gold fields, the Commission would allude precautionarily to the common case of portions of these districts being abandoned during the summer only, on account of the want of water, but resumed during winter. These may be considered in the light of grounds in full use as far as circumstances will permit. But although the Commission would not advise even any portion of such lands being swept off by lease from the individual miner, they see no ojection to a judicious dealing out of small portions of such lands to copartneries of working miners, or, indeed, to copartneries of any kind, when these mining copartneries are satisfied with an area made up of the collective individual claims, and no more, of each of its hands actually at work. They conceive that by co-operations of this kind, far better than by any individual exertions, such lands might, by means of artificial supplies of water, be made available all the year round.

Gibson, 927, 929. Cummins, 802.

Leases of "worked-out" lands.

134. With regard to deserted portions of established gold fields, the Commission recommend that leases be granted for areas not exceeding five acres, and at an annual rental of not less than 20*l.* per acre. Of the less auriferous localities of gold fields, from which the individual miner cannot draw remuneration, but which are still available to the appliance of machinery, the Commission would express an opinion that twice the area may be given, and at one half of the rent per acre payable in the other case. In all these cases, prior to any step being taken by the Government, there should be a deposit of one year's rental, as a guarantee that the operations proposed will be proceeded with. It will be understood, of course, that while these or any other auriferous lands are held by private interests, they are to be maintained in full and fair use.

Machinery and companies are chiefly the miners' questions.

135. These rates, considering the discouraging views at present entertained relative to the working of the gold fields by companies with capital and machinery, seem to be sufficient, and might even be questioned as extreme. They compare curiously with the different ideas upon this subject that prevailed at an earlier period at the gold fields, when it was thought that inexhaustible wealth might be raised by the application of capital and machinery. In the Government Gazette of October, 1851, appears an advertisement fixing the annual rental of auriferous land for lease at 360*l.* an acre. Several gold companies, formed in London and elsewhere, for working the Australian mines, have, with some rare exceptions, been entirely disbanded. The expenses seem too considerable for even the most effective machinery hitherto introduced. There is, of course, no limit to the improvement of mechanical appliances, and the colony may still attract from without the capital and improvements so important to develope its resources. To such it is important to afford every encouragement, for the improved processes they introduce are a valuable property to the

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colonists. But as regards the present, and perhaps the future also, the Commission are impressed that successful gold mining associations will be, almost without exception, restricted to the practical and working miner, or the miner in conjunction with the colonial capitalist. Improved machinery introduced from without is, when put in operation, and so made public, equally available to the colonist. This question and all others similarly involved in the case of these special arrangements, are subjects that will, soon at least, if not immediately, concern chiefly the miners themselves, whose efforts to improve their condition, and to rise whenever opportunity permits, beyond the drudgery of "individual mining," should receive every encouragement from the Government.

Charge in the case of puddling machines.

136. The case of puddling machines, as at present used, may perhaps be best met by a certain annual charge upon each, under which charge they may be apportioned a liberal area of "worked" land. Excepting in the requirement of water, they may be expected to interfere but little with the general body of the miners. The Commission suggest 5*l.* a year as a charge. Should these machines diverge into other forms than their present simple and uniform construction, it may be necessary to deal with their proprietors, on the common principle of all special cases, namely, by imposing an annual payment proportioned to the area of auriferous land allotted. This is an arrangement that may be susceptible of happier adjustments than one that directly discourages progress, by threatening a double or treble charge for every proportionate accession of power, or, in short, for every improvement to the machine. For such machines, the area required, which may vary in each place, might be left to the consideration of local boards.

Regulation for auriferous sold land.

137. The question of auriferous lands that have been, or that may hereafter be sold, here demands consideration. In order to avoid confusion as to what may or may not be such lands, and to save the authorities from the determination of a very doubtful question, the Commission recommend that auriferous lands, as such, should not be alienated from the Crown. They observe, that in New South Wales the case of proprietors of such lands, or persons mining there by permission of the owners, has been very judiciously met by a remission of half the usual licence fee. That regulation, however, will not now answer for this colony under the proposed change as to this charge. But the Commission would suggest, although only as a general rule, that such private proprietors be chargeable with one half the rates now recommended with reference to Crown lands for lease, or for other special arrangement. In such cases proprietors could suit themselves in the matter of charge, and at their option reduce the rate to one little more than nominal, by restricting the area fenced off for mining purposes.

Compare Panton, 4497—4502.

Leases need not be advertised.

138. In judging of these special cases, as well as of every case connected with the gold fields, the local boards instituted for framing bylaws suited to the local circumstances will act, it may be hoped, with the confidence of the mining body. What is of even greater and more permanent consequence, it may be hoped they will act equitably as between all classes and claimants, who have equally their respective rights. The Commission would therefore dispense with a needless delay and precaution of first advertising for so many months, the intention of any lease, with the view apparently of giving the individual miner his opportunity of first occupying the lands in question, if he finds them available for him. So far as regards lands deserted only during dry seasons, the case that seems in fact to have suggested this precaution, that question has already been disposed of. In other respects the authorities must only aim to meet with a liberal impartiality the wants of all classes of miners, and therefore endeavour to call up around them a scene of industry, prosperity, and contentment, that will ever form a chief guarantee of social order.

Mining Prejudices and Apprehensions.

Miners' apprehension of companies.

139. In the course of the evidence before the Commission some strong views were elicited from the miners, in opposition to much of what the Commission have felt it their duty to bring prominently forward for encouragement, with the view of stimulating the development of the wonderful resources of the colony. An apprehension was manifested, in particular, at the approach of companies and capital, which, in their imaginary colossal proportions, seemed in the future to threaten extinction alike to the independence of the miner and the whole cherished vocation of individual mining. With regard to this manifestation, the Commission regret any such groundless display, involving, as it does, the credit of their intelligent countrymen.

On two grounds: their monopoly, and independence of the mining body.

140. The Commission recognise two chief grounds for this hostile feeling on the part of the miners. The first is a very natural fear that the wealth and influence of copartneries would gradually lead to a monopoly of the auriferous land, of a character very unfair to the individual miner as well as detrimental to his interests. But this is a point which the Commission have already been anxious to guard against. The second ground regards the independence of the mining body, amongst whom there is an allowable pride in working for their own account rather than as the employés of others.

Denovan, 3769. Wanliss, 536.

Their system of employed labour.

141. In so far as this feeling is entertained by the miner in regard to his own case it may be highly commendable. He is fortunate perhaps in his own labour, and therefore independent in circumstances; or he is so attached to personal freedom of action as to be disposed to sacrifice all else for the preservation of that valued privilege. But here he should stop, and not interfere with his neighbour who, for his own comfort, or in consideration of his family, may desire a less precarious livelihood.

Brown, 4129.

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142. The Commission, with regret, comment upon the arguments made use of by their mining fellow colonists to establish a case for their opposition to systems that involved employed labour. To speak of companies competing with one another for the labour of the miner having a tendency to grind down the labourer's wages, is really like a dealer complaining that the pressure of custom compels him to lower the price of his wares. When his shop is full of buyers, then he deems his ruin certain. The market is to be spoiled not, as usual, with the overstock of goods, but with the increase of bidders. At Bendigo the Commission found that the Port Philip and Colonial Gold Company were employing miners at 20*s.* per day, while the evidence of some miners went to show that this sum was scarcely the average per week upon the same Gold Field, and an average, too, of very precarious attainment. One witness quotes the case of an employé of this company, who, after saving a surplus of wages, went off for a time to independent digging, but proving unsuccessful, returned to his former employment. This is a case quoted to the Commission as an argument against such employed labour.

Subject considered.

Wanliss, 537, &c.

Denovan, 3756, 3757.

Dixon, 4068—4071.

143. That such prejudices will give way to reason and necessity seems a superfluous remark. They have always done so elsewhere. Mere abstract theories are soon dispelled when they militate against thousands in the presence of daily wants and the stern realities of daily life. Thus the common prejudice against the use of machinery is almost disappearing at Ballaarat, where its advantages in mining are most evident. The Commission observed that the labour question was practically sharing a similar fate, for while theory was condemning employed labour, the necessities of society were quietly but widely establishing it. This is an observation that now introduces the Commission to a very interesting branch in their report, namely, that which is connected with the very numerous class of employed miners, and the copartnery associations that are their usual employers.

Such feelings not lasting.

Kenworthy, 8.

Stewart, 1165.

Humffray, 23—25.
Ante, 120.

Miners' Earnings.

144. The usual rate of pay to a working miner varied at the different gold fields between 15*s.* and 30*s.* per day. At Ballaarat it reached the highest limit for an employed working miner, while a "shepherd" could earn 20*s.* per day. At the Ovens 20*s.* to 25*s.* were common rates; at Castlemaine 15*s.* to 20*s.* At Bendigo 20*s.* seemed a maximum; and smaller rates, even as low as 10*s.* per day, but with some allowances in food or lodging, were reported to the Commission. Employment at such wages might not be said, on the whole, to be readily procurable on the gold fields generally; the applicants for work seemed decidedly on the increase, as compared with the sphere of employment.

Wages of employed miners.

145. The testimony as to the average earnings of the individual miner (using this term in its technical and very convenient meaning) is much less certain than that as to the rate of wages. While some fixed these earnings as low even at 15*s.* to 20*s.* per week, few were disposed to ascend above 10*s.* per day as an average, even for the individuals actually at work, independently of all who pursued other occupations on the gold fields, and were sustained by the gold produce. At the Ovens gold fields, judging from the quantities sent by escort, the average may be one ounce per week for each miner actually at work, of whom, out of a total population of 6,000 for the Ovens proper, there may be between 3,000 and 4,000. The aspect of plenty upon the gold fields generally, therefore, under these circumstances, showing such moderate acquisitions, is to be explained partly by the paucity of the miner's wants in his simple style of life, and partly by the greater production of a variety of present appliances superior to those availed of in individual mining. The miners' earnings certainly appear to have fallen off since the earlier periods of the gold fields, as indicated alike by the testimony adduced to the Commission and the evidence of the gold statistics. But this subject will be considered elsewhere more at length. It forms a very special argument for the encouragement, by suitable regulations, of every step of improvement in the business of mining, and of every facility for introducing and circulating capital by copartnery arrangements throughout the gold fields, to develope the industry and intelligence even of the most destitute.

Earnings of individual miners.

Turner, Appendix.

Edmunds, 4152—4155.

Mining Partnerships.

146. The whole body of miners may be said, without any exception, to conduct their operations under a copartnery system. The simplest case of this kind, and still the most common, is that which first appeared upon the gold fields, namely, where a number, varying usually from three to six individuals, agree to co-operate on equal terms in the various duties connected with excavating, transporting, and washing. A division of proceeds takes place either occasionally or after the working out of a claim; this latter occurrence terminating the concern, unless the parties are agreeable to resume upon another claim. Under the system of shallow sinking and surface washing, which gave generally no particular value to any one claim over its neighbour, nor presented much difference in value at any stage of proceeding, this simple character continued. Deep sinking soon introduced complexities, which, as exemplified at Ballaarat, were still further increased by the accidents and uncertainties of leads and gutters. The expense and delay of these sinkings rendered necessary a larger number in the copartnery, for the sake both of larger means and a more effective staff. These undertakings soon assumed the form of companies, with a "stock" consisting, besides the chance of gold, of some little plant, as slabs, windlass, &c., and divisible into a fixed number of shares. These shares were transferable, and to meet the

Forms of mining partnerships.

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circumstances of all, were subdivisible. As the sinking proceeded the stock gradually acquired value, and becoming marketable, was the subject of constant traffic.

Restriction of facilities not desirable.

147. The Commission's attention was drawn to an endless variety and intricacy in the copartnery arrangements. One or two individuals would hold five out of six shares of a certain copartnery, while four or six others held the sixth share. The latter have probably agreed, moreover, upon certain terms, irrespective of these shares, to work the claim, having occasion in that engagement to hire additional but not copartnery labour; while their partners, it may be, are working at some other shaft in which they have also shares. Many miners held shares in a number of such companies, and the spirit of speculative enterprise was particularly developed at Ballaarat under the shepherding process. In all these arrangements, with the exception of this abuse of shepherding, the Commission see decided advantages—advantages, in fact, that were instinctively perceived and acted upon by the miners themselves, and without which many enterprises set on foot by poor but industrious miners must have been stopped short for want of means. To a casual on-looker there is in the whole a vast network of complication; but it is a scene in which every separate individual and copartnery have a distinct and practical comprehension of their own relations. The Commission see no cause to interpose any restrictions in these proceedings, nor, in fact, to interfere at all, except in so far as to require a system of public registry, through which, when differences arise, there may be information available to a public court or other judicature for effecting an equitable settlement.

Tough, 1052.

Tomkies, 1084, 1085.

Woodhead, 335.

Indefinite holding of shares not an evil.

148. The Commissioners have duly considered a suggestion that is to some extent at variance with this general conclusion, namely, that with reference to a proportion of miners, who have acquired some little wealth, a limit should be put upon the indefinite holding of shares or claims. The case has been urged because it seems to involve an undue advantage to the rich miner. But in truth this is a kind of advantage, whether in the abstract it be due or undue, which the rich enjoy everywhere else as well as upon the gold fields. And with regard to these shares, so long as their exist necessitous sellers on the one hand and capitalist buyers on the other, these two parties will find a way of working in defiance of all law. Each miner who, on some abstract theory, contends for the restrictive law, may possibly experience its inconveniences in his own case, and be disposed to feel on such an occasion that an imaginary public good is a very unsatisfactory set-off to a real private evil.

Forbes, 3432, 3433.

Who are the interested parties.

149. This is a question not of the capitalist alone, who is only the prominent foreground in the picture, and therefore apt at first to be alone looked at: it is much more a question of the masses, who are his customers, and whose busy schemes of industry are more or less dependent on the aids they obtain from him, whether under the form of loans or copartnery. What is chiefly wanted is to prevent unjust and non-productive monopoly, caused by the abuse of shepherding. When that evil is checked, the extensive and prosperous shareholder can exist only as one component in an extended scene of industry and prosperity—a scene sustained in part by the means contributed through his investments. The claims in which capitalists may be interested, however numerous, cannot be worked without a corresponding number of miners. These miners, in fact, are commonly the originators of the schemes and copartneries about which they deal with the capitalist; and it is only fair to them that they should be free to make their own bargain, and to find as many to treat with for the assistance they require as the natural market around offers them.

Wanliss, 526, 544, &c.

Question of foreign capital.

150. On the same principles must the Commission contend against the proposition for limiting shareholding in mining copartneries, as regards persons non-resident on the gold fields, or not of the class of working miners. The real question here is not as regards these non-residents or non-mining persons, but the numerous working miners who invite the aid of the capital of such persons, or see their advantage in accepting that aid when it is offered to them. Two cases of companies at the Ovens are described as having come short of expectation from inadequate capital. One was founded among the storekeepers, the other among the miners. Neither was in a flourishing condition, the limited means having been expended ere anything was attained. Were it even the case that the gold fields were or ought to be the exclusive private property of the miners, the restrictive proposition alluded to would stand on no better ground as regards their own benefit. It is a blow aimed by the miner at his own head, as he would soon practically experience, were he, while in pursuit of some enterprise, to find himself inadequately supplied with that capital of whose rights in the abstract he was so jealous, but whose aid in his case he now finds so desirable.

Turner, Appendix.

Two cases in illustration.

151. Two examples will illustrate this question. Twenty working miners, it may be supposed, unite into a copartnery, and being in good circumstances are enabled to raise the necessary capital independently amongst themselves. This is a happy case, which seems to call up no hostilities. But twenty others, although less favourably situated, are also desirous to form a copartnery for gold mining. Their industry and intelligence are as yet the only capital at their command; but these point out to them the road to competence, if they had but the requisite means means for a start; that is, if they could strike a bargain anywhere for the requisite capital. In this they may have their own difficulties; but it is not for the law to interpose to increase these difficulties, by denying to this capital the rights and privileges it bargains for, which the parties who are interested have mutually agreed to, and without which the capital will not be given, and the enterprise not be proceeded with. Such a law would in its effects restrict progress to those who had already advanced, and confine benefits to those who least needed them; it would be the tyranny of the independent against the necessitous.

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152. The subject of mining copartnery which has so suddenly opened up throughout the gold fields, and which, as regards certain forms, has received so remarkable a development at Ballaarat, is one upon which some useful experience may be derived from the laws upon English mining. Mining partnerships in England, as being of the nature of a joint occupation of land, have features differing from ordinary trading partnerships, and are regulated accordingly. If it seemed desirable in that country to give every facility to mining pursuits, by the permission of very simple partnership arrangements, the argument is still more applicable here to the summary proceeding of gold mining, which involves usually much less either of time or means than in the other case. A practice had arisen at home for mining companies to be formed by a simple agreement between a certain number of adventurers. Having settled their few preliminaries, they appointed a purser, and opened a cost book for entering the transactions. Such is the present cost book system. The purser was a mere servant without authority, as the whole body held frequent meetings with the view of managing their own affairs. Shares could be bought and sold, and proprietorships determine without consent of other proprietors. These facilities were aided by a legal protection to the association from liabilities which any of the proprietors might contract with the general public.

The English cost book system.

Collier's Law relating to Miners, 1849, pp. 89, 90.

153. By such simple arrangements, and without any dilatory or costly machinery common in the case of ordinary companies, the business of mining had certain obvious and very suitable advantages. These are eminently applicable to the case of gold mining, as commonly pursued in this colony, where each concern is usually limited in numbers, trifling comparatively in regard to the means and material required, and of brief existence as regards the time involved in working out the claim or section of auriferous soil. There will therefore be lest liability to lapse into complications, such as appear to have overtaken many of the home partnerships, which, departing from the simplicities of the original cost book and purser system, gradually assumed features approaching to ordinary joint stock partnerships. "Scrip" companies appeared, followed by managers and directors, and it was soon difficult to draw lines of distinction, and define precisely what could or could not be done by such companies or their managers.

Well suited to Australian gold mining.

154. There should therefore be a simple copartnery law or regulation, like that on the cost book system. The case is registered by a public officer on payment of a small fee, say of 1*l.*, and the copartnery must keep a book of expenditure and receipts. Such simple partnership arrangements refer chiefly to what is technically termed individual mining, which may be distinguished as hand mining in contrast to that by mechanical arrangements. But other partnerships, such as those for conducting puddling machines, may not be found inapplicable to all the advantages just alluded to, although accompanied with a few additional features. As these latter copartneries are cases likely to be exceedingly numerous, every facility is desirable. The law should be clear, but simple and accordant with the practice which circumstances have already established.

Especially to individual mining and puddling companies

155. Other and more complicated cases of gold mining copartnery, approaching as they do to ordinary partnerships on the joint stock principle must be dealt with under the current laws. In so far as they involve a large scale as to numbers of coproprietors and extent of property, their complicated interests and management really require for the benefit of all concerned, those expensive or troublesome preliminaries demanded by the law. It is desirable however, that when such companies, however extensive, are originated upon the gold fields by the miners themselves, they should be promptly met by every facility of local registration, that no needless and vexatious bar be placed in the way of such desirable associations by the delay, expense, and uncertainty of remote jurisdictions.

Local facilities and registration.

Social Condition.

156. The general condition and prospects of the mining population call for a few observations. The proverbially unsettled lot of the miner has been improved, in prospects at least, by the recent establishment of townships upon the gold fields, and the sale both of town and other lands in and around these districts, although at the same time this tardy procedure is still but inadequately carried out, with reference in particular to the sale of country lands. The proposed extension of the municipalities system to these localities will afford to the more populous of them an opportunity of instituting a local popular government for the cognizance of many questions of great social importance in regard to local improvements and public protection.

Promise of social amelioration.

Hopkins, 3550.

157. The Commission allude with regret to the slow progress of railway communication. The expenses attending these undertakings, as compared with the still limited extent of private means for their construction, have rendered the railway companies of this colony hitherto all but a failure. The Commission observe with pleasure his Excellency's late message to the Legislature. It seems but reasonable to hope that the increased value of the lands on either side of the proposed railways will supply a certain means of repaying the cost of the line at no great interval. This is one consideration that connects the Government of this colony with its railways. It is eminently desirable that the great lines of this communication be at once definitely fixed upon and correctly surveyed, with the view both to stimulate cultivation and settlement in these directions, and to avoid the endless difficulties and expense at a later period of dealing with numerous private proprietors. In the United States of America no interior town or district, however favoured otherwise, is considered in

Great importance of railways.

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a position to maintain the race of progress manifested in that country without a railway communication. The effect of a railway in ameliorating the condition of the gold fields would be almost incredible. The miners themselves are similarly impressed. Their commerce and social comfort would be improved by the introduction of many articles now denied to these remote and isolated districts, and a healthier tone established by a better fusion of the colonial population from cheap, frequent, and expeditious intercourse.

Religious ministrations.

Hopkins, 3548, 3549.

158. In aid of the diffusion of religious ministrations upon the gold fields, the Government have for some time defrayed, out of the public revenue, the salaries for the clergy of various Christian denominations, and sects declining this aid have also supplied these districts at their own charges. These efforts are unceasing; but the still unsettled life of the miner has not afforded a very encouraging field for the labours of the clergyman.

Education.

159. Neither is the schoolmaster abroad in any strength over the various gold districts. The situation of a teacher there has too many hardships and disadvantages to prove attractive to a high order of ability. His methodical vocation contrasts widely wtth the surrounding excitement and uncertainties of gold digging. But the promise of better things is here also. The increasing application of mechanical contrivances in aid of gold digging tends to settle the population by the prospects of larger profits acquired with less cost of labour, while locomotion with such establishments becomes more difficulty as well as less necessary. The present increase of wives and families upon the gold fields produces the same effect from even a happier cause. Several of the religious bodies have established schools at the principal gold fields in connexion with their respective churches. A few schools on the national system have also been established.

Inspector's Report, Sept. 24, 1854. Estimates of gold fields' populatton.

160. In connexion with this subject may be given the following estimate of the average population, taken for quarterly periods, of the entire gold fields for the year 1854, distinguishing women and children. The estimate has been made by the resident Commissioners. The population as here given is about one third more than that which appears for the gold fields by the official census. But this latter document is considered so defective that the present is substituted as the more probable, although perhaps partaking of the opposite error of overrating:—

Estimated Population of the Gold Fields, 1854.

——	Average of 1st Quarter.	Average of 2d Quarter.	Average of 3rd Quarter.	Average of 4th Quarter.	Average of Year.
Men - - -	57,871	77,123	77,186	62,982	68,790
Women - - -	14,870	17,469	17,496	13,125	15,640
Children - -	11,177	19,079	18,765	14,662	15,921
Total - -	83,918	113,671	113,047	90,669	100,351

Chinese.

Incredible numbers of Chinese.

Bull, 3082.
Hopkins, 3579.

Howqua, 5993.

Panton, Bull, &c.

161. A most serious social question with reference to the gold fields, and one that has lately crept on with rapid but almost unobserved steps, is with reference to the great number of the Chinese. This number, although already almost incredible, yet appears to be still fast increasing, and likely to increase still more upon the publication of the abolition of the license fee. That there should have been at the time of this Commission's visit ten thousand Chinese throughout the gold fields of this colony, is a fact of a most novel and to many of a most unexpected character. There appear to be 2,000 to 3,000 at Ballaarat; 1,500 to 2,000 at Bendigo; about 1,000 at Forest Creek, &c.; many are constantly met with travelling through the country between the several gold fields, and they are observed in large bodies on the principal highways leaving Melbourne for the interior. The Commission draw attention to the fact that between the 6th February and 6th instant, an interval of only four weeks, there were landed at this port from four different vessels, upwards of 1,400 Chinese.

Other Asiatics and New Zealanders.

162. Besides the Chinese there are other of the Asiatic races, although in comparatively unimportant numbers. A body of three hundred New Zealanders at Bendigo, under confused notions of a late agitation in that quarter with the Chinese, had tendered their services to the authorities, under the impression that the roads were blockaded by rebels, who would prevent their getting back to the country.

Questions of the utility of Chinese.

163. The question of the influx of such large numbers of a pagan and inferior race is a very serious one. Even if the Chinese were considered desirable colonists, they are unaccompanied by their wives and families, under which circumstances no immigration can prove of real advantage to any society. Nor is the economical argument of their utility as servants available, as they all seem to proceed to the mines.

Disadvantages.

Kenworthy, 1364, 1365.
Melville, 3093.

Gibson, 1028, 1029.

164. Their proceedings on the gold fields are certainly such as may occasion inconvenience to the general population, if not strife and collision with the European laws. The Chinese are content with very small earnings acquired under the rudest modes of mining. In rewashing the old grounds, which seems their chief mode, they use up and waste the water with a thoughtless profusion, disregarding often the reservoirs of drinking water, and they thus occasion many wrangling scenes by their inability or unwillingness to under-

stand the representations of the authorities or the adjacent miners. They have the proverbial propensity of thieving. The custom of returning home with their earnings is in one point of view perhaps the best feature of the case, were it not that this only magnifies the evil by the multitudes who soon rèplace those who have left. Their general saving habits and strong disposition to return to their own country, must still, in so large a number, isolated from friends and country, leave many eventually chargeable for support on public charity. The statement of one of this people, that "all" were coming comprises an unpleasant possibility of the future, that a comparative handful of colonists may be buried in a countless throng of Chinamen.

Hopkins, 3574, 3576. Kenworthy, 1366, 1368. Howqua, 5953. Howqua, 5995. Melville, 3085.

165. But long prior to this extent of the evil, it may have assumed a very inconvenient and unmanageable proportion. Without charging these people with disorderly tendencies, for, with exception of occasional gross crime with which they are chargeable, their disposition is remarkably quiet; yet their presence in such large masses must certainly tend to demoralise colonial society, by the low scale of domestic comfort, by an incurable habit of gaming and other vicious tendencies, and by the examples of degrading and absurd superstition. A fund was lately commenced at Bendigo amongst them for the erection of a joss house, but the scheme did not then go on. They seem to have a system of communicating with one another throughout the colony, clinging strictly together as such a race is apt to do in the midst of its superiors. Being in this and other respects little understood or looked after by the colonists, and acquiring a custom of acting in concert, the future does not seem free from apprehension. It would be absurd to regard such danger as of a general nature, but there may be results which, if not anticipated now, humanity may hereafter have occasion to deplore.

Presence and examples undesirable. Panton, 4479, 4481. Melville, 3088. Kenworthy, 1370. Panton, 4452. Howqua, 6000, 6004.

166. The question of the absolute exclusion from this colony of this or any other branch of the great human family is one that the Commission have no desire to entertain, nor do they think it can even be necessary to adopt such extreme proceedings. But that some step is here necessary, if not to prohibit, at least to check and diminish, this influx, seems quite evident. The Commission therefore suggest that notice to this effect should be forwarded to the several Chinese-British ports. It seems sufficient that, after due notice has been given, vessels be hereafter restricted from bringing more than a certain limited number in each, say of fifteen to thirty, or as many as may be deemed sufficient for a ship's crew; and that when more are brought than this limited number, there be a certain rate of fine; but no other prohibition or restriction of any kind. The fine should be a considerable one, not less perhaps than 10*l.* per head for the cabin passengers. Further than this, the Committee deem it undesirable to proceed. Evasions of this proposed law may often take place, or parties of Chinese may arrive overland from adjacent colonies; but the object proposed will probably be gained nevertheless, to all the extent at least that is deemed necessary, and that, too, without in the slightest degree infringing directly with personal liberty. In such a proceeding it would only be fair for Government to advert prominently to the fact that the welfare of the Chinese themselves is consulted in this arrangement.

Necessity to restrict them.

Mining Prospects.

167. A question of the gravest and most direct importance is that of the continuance of the supply of gold. That a remarkable falling off has already taken place since the earlier stages of gold-mining here, and in spite of increased numbers and improved processes is incontrovertible, and the Commission will allude to this subject chiefly as its threatening import with reference to the future furnishes one more argument, if such were required, for giving every facility by laws and regulations for the fullest development of the mining resources. The discovery of the gold, and its boundless promise at the outset, have with unexampled rapidity placed Victoria in the first position amongst colonies—a position which her colonists must not only be excusably ambitious to maintain, but which, with reference to the great and increasing population now upon the gold fields, and to all the present operations within her territory, cannot be lost, or even materially reduced, without occasioning serious apprehension.

Remarkable diminution ofthe gold.

168. For the year 1854 the monthly average of gold brought down by escort is given as 151,373 ounces, for a total population on the gold fields estimated to have averaged for that year 100,351, giving one and a half ounces of gold per head of all ages and classes. For the year 1852, with an average population apparently not exceeding 35,000, the monthly average by escort is 173,893 ounces, or five ounces per head of population. One remarkable circumstance is the great regularity of the present yield of gold throughout the year as compared with previous experience when judged by the escort returns. These returns appear somewhat regularly throughout the past year at about 35,000 ounces weekly for all seasons. Comparing this statement with that for 1852, the first half of this year, with a population of about 23,000, is found to give monthly about 71,843 ounces, or rather more than three ounces per head, while the last half, which is the season of the greatest supply of water, gives no less than 275,610 ounces monthly to a population of 47,000, with the surprising average of nearly six ounces per head.

Comparison of 1852 with 1854.

169. To complete this view of the great comparative falling off in the gold produce, the Commission would direct attention to the Export Returns for the colony. The strictly official returns, it is well known, represent but imperfectly the actual quantities exported, as they do not include an estimate for the unrecorded portion. Making this estimate as

Export of gold 1852—1854.

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nearly as can be done, the following appears to be the value of the gold actually exported from Victoria during the three past years, namely—for 1852, at the valuation of 70*s.* per ounce, 14,866,796*l.*; for 1853, at 75*s.* per ounce, 11,588,782*l.*; for 1854, at 80*s.* per ounce, 8,770,799*l.*

Tables of various particulars.

170. The following summary, having reference to this subject, will be perused with interest :—

Khull's gold statistics.

—	1852.	1853.	1854.
Value of all gold produce exported by estimate - - -	£14,866,799	£11,588,782	£8,770,796
Valuation per ounce - -	70*s.*	75*s.*	80*s.*
Official valuation, being that recorded at Customs - -	£6,135,728	£8,644,529	£8,255,550
Population on Gold Fields of whole Colony - - -	35,000*	73,000	100,000

Fact of decrease confirmed.

Compare, however, Hitchcock, 2983, 2992, &c. with Hopkins 3573, last clause, and Bull, 3082, last clause. Archibald, 4279, 4280. Panton, 4608, 4610.

171. Assuming even that the population for 1852 upon the gold fields may have been underrated, which is not improbable, and that the large number of 1854 comprehends an increased proportion of females and children, and persons having other than mining vocations, such as traders and professional men, there would still remain a very striking difference in favour of the earlier efforts at gold mining. This difference is increased by the fact that the escort service was not so generally availed of at first as subsequently, so that the proportion sent from the mines by private hand, and therefore not here noticed, was more considerable for 1852 than for 1854. An Adelaide escort service also, which was discontinued prior to the latter year, took away direct to South Australia, in 1852, an amount of 228,533 ounces (address to Chamber, Appendix, April, 1853), which is not included in the above estimate. This view of the diminishing production receives a strong confirmation by reference to the above comparative estimates of the value of the gold exported for each of the last three years.

Explanation of the miners.

172. The explanation of the miners themselves on this subject is, that the richer auriferous localities have been already discovered and overrun. Certainly the modes of operating, rude as these may yet be thought, are an improvement on those that preceded them; and in addition the miner has been aided by a variety of machinery, from the puddling machine upwards. The results of deep sinking, too, are considered more profitable than the old mode of shallow sinking and surfacing. These modes are still industriously maintained by thousands of Chinese, but with very poor results. It is to be remarked that these old modes, where still persisted in, are generally carried on upon the old grounds, which are thus re-washed or re-explored in preference to newer prospectings. This is a fact which supplies alike a reason for the diminished earnings of this mode, and a proof of the correctness of the miner's view that these richer localities have been somehow thus early ascertained. That other similar localities may yet be discovered must not be held impossible; but for the present, although every succeeding observation confirms the opinion of the unlimited quantities of gold that are scattered through the Victorian soil, this gold has certainly become less and less attainable by the ordinary modes of operation, since the first dazzling rewards that were so instrumental in drawing public attention to the subject.

Panton, 4472.

Great promise from quartz crushing.

173. This discouraging picture assumes a brighter aspect when the subject of mechanical appliances is considered. The arm of machinery, so powerful in other branches of industry for the progress and welfare of society, will equally avail to the miner. The greatest promise appears at present to rest with the quartz rock. Unlimited in extent of surpassing richness, it presents a source of boundless wealth, and is already largely attracting the attention of the colonists. In this respest much has been doing since even the short interval of the Commission's visit to the gold fields. Many colonists are now busy in the formation of small copartneries for the introduction and application of quartz crushing machinery. When that machinery is made a little more effective than hitherto, and its use has become more general, the colony may then extract untold riches from those limitless heaps of auriferous material which have hitherto lain uselessly upon the soil.

Conclusion.

Mode of treating the evidence.

174. The Commission now conclude their Report. The evidence on many of the points it embraces will be found discordant and difficult to be dealt with. This is particularly the case as regards the testimony connected with the Ballaarat outbreak. The Commission have neither implicity followed all the evidence, nor have they thought it necessary to

* It may be repeated here that during the last half of this year (1852), during which proportion by far the greater part of this large amount of gold was procured, the population on the gold fields averaged, by official estimates, about 47,000 persons, and by other estimates at least from 10,000 to 15,000 more. The official estimates were probably less easily or less guardedly taken at first, as the miners were then comparatively less settled in any one locality.

attempt to reconcile all the discordant statements. With the spirit of the evidence generally as regards the interests of the mining body they agree, and they have given their views accordingly.

Advise considerate action of Government.

175. To carry out these views will operate, they believe, beneficially upon the large and important colonial interest to which they refer. This must be done in a cordial and considerate spirit, otherwise the labours of a thousand commissions will effect nothing. They offer these remarks because the case is novel and peculiar. The elements to be dealt with are confessedly inflammable. The mining population is British, but the circumstances in which they are placed are unusual and trying. The long persistence of these untoward circumstances has engendered a very dissatisfied feeling. This feeling, more or less, is of so general a character, founded as it is upon old and valid grounds of complaint, that the whole case demands the most considerate action of Government, and in particular the employment of officers, who are likely to justify and not to betray such action. The evidence here appended cannot be perused without the reader being made aware that the gold fields population not only earned a very precarious livelihood under an uncomfortable mode of life, but that the Government itself was wanting in the duty of amending this lot by supplying opportunities to the people to buy lands for the formation of settled homes. These colonists, deprived of the means of direct constitutional redress through representatives, were exposed to laws unsuited to their national character, and certainly most unsuitable to the circumstances in which they were placed upon the gold fields.

Wanliss, 616.

Holyoak, 465.

Objects regarding the miner.

176. The Commission have laboured with the view not to favour any one class of colonists more than another, but to extend to the miner all the privileges common to others, and to place at his command, as far as mere legislation can do so, every just and proper facility for aiding his industry and promoting his personal comfort and well-being. By accomplishing such results the colony will truly prosper, because its prosperity will be founded upon the welfare of the people.

The past and the future.

177. The tendencies to serious outbreak amongst masses of population are usually a signal that the Government is at fault as well as the people. The recent events on the gold fields of this colony are no exception to this rule. It is not by the bayonet that these tendencies are to be eradicated, as this may leave behind it the seeds of a new or a worse outbreak. The Commission may truly despair of their countrymen if by such instrumentality they are to be defeated in their just demands. But at the same time they must equally despair, if under new and just laws there is in the future a repetition of the past. Under any view they most unequivocally condemn the resort to arms on the part of any section of the people. This is to betray the popular cause by placing it at the mercy of authority rendered despotic by the necessity of the case. It is a procedure which levels at once the boasted superiority of British character and civilization; a movement alike illegal and unworthy, because it virtually ignores the supremacy of the public, and mistakes the relationship of its Government.

Ante, 72-74.

Anticipation of good result.

178. In endeavouring to accomplish their important duties, the Commission have freely commented on the system or procedure on the part alike of the Government and the people. An enquiry of this unsparing, and, it is to be hoped, impartial character, was only to be expected from the ample powers granted to the Commission, and the circumstance that all its members, with one exception (the Chief Commissioner of the Gold Fields), were wholly unconnected with the administration. Such a constitution has been to the Commission a pleasing and satisfactory guarantee of the earnest views of his Excellency on the subject of this new and hitherto disturbing feature of colonial development. While sympathising with his Excellency on this and other difficulties which have been bequeathed to his recent Government, the Commission cordially unite with him in the hope that good results may attend this inquiry, and they trust that when laws and institutions, suited to the independent position and feelings of the population, are extended to the gold fields, these districts will prove as free from disaffection as any others, and form, in all respects, the integral portion of a loyal and prosperous colony.

Instruction to Chairman of Commission. Nov. 16, 1854.

Melbourne, 27th March, 1855.

(Signed) Wm. Westgarth,
John Pascoe Fawkner,
John Hodgson,
John O'Shanassy,
James F. Strachan,
W. H. Wright,*

* Subject to my protest as given in the appended extract from Minutes of Proceedings of Wednesday, 21st March, 1855.

Wednesday, 21st March.

"One of the duties undertaken by the Commission was the investigation of charges made against the officers of the gold fields. Few of them were brought in a specific shape before the Commissioners, who examined into such as were so preferred; but I allude to the mass of accusations so constantly urged upon the public mind, and which comprised everything degrading to the reputation of gentlemen and the character of public servants. To the

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Commission the accused justly looked for the confirmation of their guilt or the vindication of their honour; and I cannot append my signature to this report without expressing my deep regret that a subject so dearly affecting those concerned is dismissed with one passing allusion, and that the verdict of the Commission of "guilty" or "not guilty" as concerns those gentlemen, is withheld.

"That the Commission performed that part of its duty which comprised the investigation of the charges (to the extent they were brought before it) is shewn in the printed proceedings and the opinion founded on the evidence therein, is as clearly to be seen in paragraph 22 of the report, which states that the Commission have no specific charge to substantiate against the local authorities, and their chief complaint is against the system.

Paragraph 63.

"I also record my dissent from the censure indirectly implied on an officer whose conduct under trying and difficult circumstances was in accordance with and had become a necessary vindication of the law which it was his duty to enforce."

THURSDAY, 22D MARCH, 1855.

THE Commission having discussed the propriety of admitting Mr. Wright's "rider," which appears in the minutes of Wednesday's proceedings, 21st instant, as an appendix to his signature of the report, decided that such a rider was inadmissible. In consequence of this decision, arrived at by the Commission, Mr. Wright declined to attach his signature to the report.

The following resolution was proposed and adopted:—

"The Commission having considered the points raised by Mr. Wright, decide that his note, which has been received and placed upon the minutes, cannot be permitted further to appear, in the manner claimed, as a protest to his name on signing the report.

"With reference to Mr. Wright's declining in consequence to sign the report, the Commission have only to remark that this gentlemen is an ex officio member of the board, and is further the head of that department of the gold fields which, with its various regulations, is chiefly concerned in this enquiry. He is not therefore in the responsible position of the other members regarding this report; much less is he in a position where he might be expected to agree with views that may be taken regarding the officers of the Gold Commission.

"It is only justice to these officers, and indeed to those of the gold fields generally, to protect them from a very erroneous inference that might be drawn from Mr. Wright's expressions. The degrading accusations alluded to have no form or existence that the Commission can recognise. The Commission entertained such complaints and charges as were brought before them, which generally speaking amounted to nothing as regarded personal imputations. In this mode of procedure they have followed the course alluded to by his Excellency in his communication of 16th November (11th paragraph), which they consider to have been under all circumstances the most judicious. The Commission have made merely a a passing comment on several instances apparently arising out of negligent or hasty procedure. These cases they have no desire to carry further, the mention of names even having been avoided in the text of the report.

"The Commission willingly allude, as the opportunity is here given them, to the favourable testimony borne by the miners themselves to some of the officers upon the gold fields. Partially and incidentally as such testimony came before them the Commission have not touched upon it in their report. Without disparagement to others, they might thus favorably notice the Commissioners in charge at Creswick's Creek, Castlemaine, and Sandhurst; and more particularly refer to the discretion happily exercised by the last of these officers during certain occasions of emergency in his district.

"But as the subject is re-opened, the Commission may mention that, in speaking thus of the one side, it is only due to the other, namely, the mining population, to allude to the difficulties on their part among a body so migratory, both as to authorities and people, in substantiating any case against the local officers. Although during the brief intervals of time the Commission could spare in each place every complainant was invited to come forward, yet witnesses not always at hand were necessary for reasonable proof, and the absence of the accused was a bar to every case. The minute investigation alluded to by Mr. Wright, even if it had been one of the duties of this Commission, would have been for the Commission alike unreasonable and impossible. They have therefore passed lightly, although with discretion, over this irregular ground. They have repeatedly stated that there prevailed a wrong system, which tended to the irritation of both authorities and people, and that this system had been the chief object of their attention and animadversion.

"The comments upon the procedure of one of the Commissioners in paragraph 63 must be left to the testimony on which these comments rest, and to which there is in the marginal notes abundant reference. The main object of the Commission is neither to inflict censure nor to asperse personal character. They had before them the much higher consideration of the future peace and well-being of thousands of colonists which might be compromised hereafter, as it appears to have been heretofore, by injudicious proceedings on the part of persons whose only fault, perhaps, has been their appointment to trying and unsuitable situations."

INSTRUCTIONS TO CHAIRMAN OF COMMISSION. VICTORIA.

Government Offices, Melbourne,
November 6, 1854.

The Lieutenant Governor having had under his consideration the general state and condition of the mining population of this colony, and being desirous to ascertain whether any amendment or improvement in the present mode of administering the law and collecting the revenue can be effected, and whether any reasonable grounds for discontent exist amongst that portion of the community, has resolved to institute and appoint a Commission, composed of the gentlemen named in the margin, and presided over by Mr. Haines.

Messrs. Haines, Westgarth, Fawkner, McCulloch, Wright, Strachan, the Auditor General (ex officio).

The Lieutenant Governor is far from desiring to limit the subjects of inquiry, or do more than indicate the points which seem to him to be of the most importance: he wishes the Commission to understand that their proceedings and inquiries are to be entirely uncontrolled, the sole object of his Excellency being to obtain such evidence and information as will satisfy all classes of the community, and at the same time enable the Government which his Excellency directs to institute a system of administration which may prove satisfactory to those residing on auriferous lands.

To obtain these ends, his Excellency gladly avails himself of the services of the gentlemen forming the Commission; for although it may appear to some that the Government are thus delegating a portion of its legitimate functions, it is nevertheless to be hoped that the reflecting part of the community will perceive an earnest intention to seek, by truly constitutional means, a course of action which will set at rest conflicting questions, and enable Government vigorously to maintain the law.

It is not necessary here to dwell upon the propriety of collecting a revenue from this particular portion of the community, or push forward the numerous reasons which exist for levying a tax upon the seekers of gold; suffice to say that the miner, like every one else, must pay for his personal protection; that the miner must contribute to the general revenue for the formation of roads and highways, in which he is particularly interested, but to which as a class he only indirectly contributes; and that the miner can claim no especial right to occupy and use the Crown lands without payment.

Assuming, then, that there is a general concurrence of opinion on the propriety of obtaining a revenue from the gold fields, the question which remains for discussion is to devise the mode of levying which may be the least harassing to the individual—and herein lies the real difficulty of the problem, and on which the Lieutenant Governor resorts to the Commission for counsel and advice.

The practice at present in force is far too familiar to need comment; but other systems have been recommended, each of which has its advantage and merits consideration. The first is to levy a tax upon tents. The second is to enforce payment by taxing the claim instead of the individual. As the correspondence and papers connected with these subjects will be submitted to the Commission, his Excellency forbears to do more than present them for investigation.

There are persons whose opinions are entitled to weight who advocate levying a duty upon gold in the form of what is termed "an export duty;" but this plan is open to the grave objection of conducing to crime—to evade such a duty as would maintain the present revenue would dispose people to carry gold about their persons, and expose themselves to the attack of the bushranger and murderer. Circumstanced as is this colony, the Lieutenant Governor strongly feels that whatever tends to invite the felon should be avoided.

On the tendency which an export duty on gold would give to smuggling it does not seem necessary to dwell; long experience and general admission have overborne whatever theories might be set up.

But the Lieutenant Governor does not entertain the same strong views with reference to a modified export duty, combined with any other mode of raising a revenue—a very low export duty of say 1*s.* per ounce would assist the general revenue, and be too insignificant to invite crime or smuggling. To this point his Excellency hopes the Commission will direct their attention.

Connected with this portion of the subject is the grant of mining leases to individuals or companies. It requires but little reflection to determine that unless a certain tenure of land is granted, capital will not be invested in uncertain speculation, and it is equally clear that, unless the aid of machinery is invoked, a large portion of our colonial wealth will remain unproductive; nor will the opposition which the proposal has hitherto met be considered reasonable, when it is remembered that the extent of auriferous lands seems incalculable, and therefore that the industry of the common miner need not in any way be interfered with. On this head his Excellency forbears making any suggestions. The matter is abstruse and complicated, and requires the knowledge which can only be obtained by personal investigation, evidence, and research; and his Excellency feels convinced that the ability of the gentlemen forming the Commission will devise a measure remunerative to the capitalist, beneficial to the commerce of the colony, and free from injustice or hardship to the miners.

Concurrently with the above subject, his Excellency invites the attention of the Commission to the manner in which the law is at present administered. It would be an act of injustice to subject an officer to examination on accusations anonymously preferred, but if during the course of their visit to the gold fields any person or persons come forward and

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prefer open charges against a public officer, the Lieutenant Governor deems it within the province of the Commission to examine and inquire into them; for, assuredly, if it is unjust to compel an officer to defend himself on an anonymous charge, it is equally unjust to deprive the miner from personally complaining in a matter wherein he may feel himself aggrieved.

It is desirable that the present opportunity should be seized, to determine whether the officers of the Gold Commission are more numerous than the public service requires, or are overpaid.

Whether the number of officers resident on the gold fields is more numerous than circumstances justify.

Whether, generally speaking, the very large sum of money appropriated for the administration of law and collection of revenue is excessive, or can be in any way curtailed or improved in its distribution.

These are some of the principal matters which require final adjudication and determination, but the Lieutenant Governor desires me to repeat, that the scope of the Commission is unlimited, and his Excellency rejoices in the hope that he will be enabled to lay before the public the conclusions arrived at by gentlemen—in a most important matter—who he believes generally to possess the confidence of the public.

CHAS. HOTHAM.

W. C. Haines, Esq., M.L.C.,
Chairman of the Commission.

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[*Then follows the "Minutes of Evidence and Proceedings of the Commission," which being extremely voluminous is omitted.*]

Enclosure 2 in No. 3.

Encl. 2 in No. 3.

MEMORANDUM.

I HAVE, in accordance with your Excellency's request, considered that portion of the report of the Commissioners appointed to inquire into the condition of the gold fields, referring to what they have been pleased to term the "want of land grievance."

I have also waded through the mass of evidence alluded to in that report, in order to ascertain on what grounds they had arrived at the conclusion that there was now an "inade-"quate supply of Crown land offered to the mining population," "an unfrequency of oppor-"tunities afforded them for purchasing;" and that this state of things had arisen either from the "inefficiency of departments to keep pace with the public wants," or the extraordinary statu quo in which the Crown lands held under the orders in Council of 1847 are suffered to remain.

From the information the Commissioners themselves had before them, I think I shall be able to show that the supplies of the Crown lands are not now "inadequate to the demands of the mining population." That the statement of "unfrequency of the opportunities offered" to purchase, is not borne out by the facts, and that the results will therefore prove that neither an inefficiency of departments exists, or that the "statu quo of the Crown "lands has presented any insurmountable obstacles to the miner who indicates after success "a strong desire to acquire land and to form a settled home."

I do not in these remarks intend to enter into the past history of the policy adopted by either the Imperial or local Governments in their administration of the affairs relating to the waste lands of the Crown in this colony. I desire only to point out what is now being done, and to prove that the "new era hoped for by the exertions of Government in opening up the country for settlement must proceed for the future on a very different scale," has been anticipated and practically carried out.

The Commission in making a statement that, "it seems almost incredible that in more "than three years of gold digging, ending with 1854, only 80,000 acres of land in the "vicinity of the gold fields have been brought forward for sale," forgot to add that this formed the complement of half a million of acres offered for sale last year throughout the colony generally, large proportions of which were little removed, if not contiguous to the gold fields, and that these 80,000 acres were offered for sale at the end of 1853 and during 1854 alone. Nor do they give much prominence to the fact, that arrangements are made to offer during the current year 150,000 acres in close proximity to the gold fields, in addition to the land now open for selection at upset prices.

Nor will this be considered a small amount when its immediate proximity to known auriferous land is remembered; and the extreme caution which it has been considered necessary to exercise to prevent the alienation of land which may hereafter prove auriferous, added to the very indifferent character of the soil, with but very few exceptions for the purpose of tillage immediately surrounding the sites of existing gold fields. And this, in addition to the unfortunate failure of the first crops in the late dry season in the neighbourhood of Castlemaine and Sandhurst, will easily account for the hesitation evinced by the mining population in purchasing the large amount of land surveyed and still open for selection in these localities.

In the neighbourhood of the other gold fields, where the land is somewhat better, especially Ballaarat, in which locality the soil the climate, and facilities for agriculture are equal to those of any district in Australia, the Crown lands have met with readier sale. Yet even in these localities, and especially the one particularly alluded to, a large area of very good land, remains still open for selection at the upset price.

Thus far, then, I think I have shown that in the immediate vicinity of the gold fields the charge of inefficiency of establishments on the statu quo of the Crown lands has proved no obstacle under the existing imperial laws for the sale of land to its acquirement by the miners.

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I would now refer in the evidence to the case of Mr. O. Jones and E. Scott, amongst many others that I could give from personal experience, to prove that the assertion by the Commissioners of the "endless and unusual complaints, suggesting to the mind a most "painful picture of the wholesale prevention of individual comfort and well-being to the "population of the gold fields," is now wholly without foundation, as being attributable to the policy at present pursued by the Government.

Every encouragement has of late been given to persons improving Crown lands under the usual licenses, by the protection afforded to their improvements and cultivation, in the valuation that has been placed upon them in order to cover to the occupier any loss he might suffer in not being able to become the purchaser—a rare occurrence, as in nearly every instance land to which the valuation of improvements has been added has been bought at the upset price by the original occupant.

The "practical illustration," quoted by the Commissioners, under the authority of Mr. Pridham, as an evidence of the "want of arrangement by the Government in not "seizing the opportunities for the permanent settlement of the miners in the gold districts," is a most unhappy one for their argument; for, although the representation this gentleman states he made to the Government never reached me, it is remarkable that on the very two stations to which I presume he alludes, "Cay" and "Catto," on the Loddon, forming the centre of these scattered diggings from Koung to Maryborough, at a spot well known to the miners, an extensive survey of lands was made, but which, when offered for sale, met with but few purchasers; nor should this gentleman have forgotten to mention that at "Tarrengown," a station were he himself for some time "officiated," and where he must have been aware of the fact, that one of the first if not the very first Government officials that arrived with the "rush" were two surveyors with their parties, and long before the abandonment of that gold field an amount of land in that locality had been alienated.

It is true that little has been hitherto done, as shown in evidence, to render this land available; but I have no doubt that with the return of the rainy season a large number of miners will again be found in this essentially wet "diggings," when, in conjunction with the working of the rich auriferous quartz veins, which form so prominent a feature in this field, there will be a sufficient inducement for agricultural enterprise. Nor is Tarrengown the only instance where the Government have attempted to save those "happy opportunities," which by the report of the Commission seem to have been lost, and which by neglecting, according to them, has "frustrated the permanent settlement of promising districts, and driven by disappointment thousands of colonists to find a home in other countries."

And here I would remark that it does appear to me a strange fact, that a Commission who seem to have devoted so large and so prominent a portion of their report to what I may be permitted to term the permanent occupation of the lands of the country, seem wholly to have forgotten, before arriving at a decision on this subject, to have visited one of the localities on the gold fields where land has been permanently occupied. Nor have they taken the evidence that I can discover of any one of the hundreds of individuals who have now fenced, built upon, and cropped the lands at Muckleford, Dowling Forest, Lockwood, Guildford, the Springs, or at Strathfieldsaye, all of which were within half an hour's drive of the scenes of their investigations.

But I repeat that the instances above alluded to are not the only ones in which the Government have evinced their anxiety to "fix," if I may use the term, the volatile character of the miner, by inviting him to enter on a permanent home.

The Avoca, Creswick Creek, Carrisbrook, are all evidences of their desire, nor should I forget to mention that the very last Gazette contains the proclamation of sale of agricultural land at and in the Ingar gold fields, where a thousand miners are now at work, and who have hitherto seen but a survey party as the only evidence of the existence of Government.

Mount William.

This I submit is alone proof that the charge of "frustrating the permanent settlement of promising districts" is now wholly without foundation, and that the "departure of thousands of colonists" must be accounted for on other grounds than that of disappointment in not finding a home in this country. Perhaps an investigation of the causes which have led and still lead to the extensive exodus from California, to whose condition the Commission refer as an example to be followed, may furnish other reasons for the emigration hence.

The Commission leave the particular subject of the lands on the gold fields, and advert to the subject generally throughout the entire colony. They state, and state truly, that twenty years have elapsed since this colony was first settled, and that during that twenty years, one million four hundred thousand acres had been alienated from the Crown. But they, though they mention it incidentally, do not draw attention to the fact, that in the last half year of 1853 close upon a quarter of a million of acres, and in 1854 half a million had passed into private hands; in short, that in the last eighteen months more land had been sold than in the eighteen years and a half previous. Surely this is no slight evidence that the Government have evinced a desire to "render justice alike to the resources of the colony and the wants of the people."

Nor are the Commissioners hardly justified, when the facts are considered, whilst expressing their "gloomy views" in wholly ignoring the policy of Government in their exertions for opening up the country for settlement. More especially the well known intention of having a large area of land open for selection at the upset price, an intention

which every effort is now being made to carry into effect, and which has been already proved by the public gazettes.

I will not unnecessarily lengthen this minute by entering into the details alluded to by the Commission as to the former arrangements in connexion with the auction sales and mode of payments.

Your Excellency has given effect to what I believe will prove beneficial changes. Nor will I open up the whole question of the existing squatting system, but will confine myself to asserting that I have hitherto experienced no practical difficulties arising out of that system in surveying lands for sale, though I fully concur in the view taken by the Commissioners, that the various questions arising out of the real and alleged claims of the licensed occupants of the Crown lands should, not only for their own interests, but for those of the colony generally, be finally settled and determined.

Allusion is made to the over-proportion of "special country lands." This has arisen from the large number of lots under eighty acres which have been so eagerly sought for, and which, under an old regulation of the New South Wales Government acted on till lately, increasing the upset price of small lots to meet the increased cost of survey. It has also arisen from the substitution of "special country lands," which, when not bid for at auction, or the deposit money forfeited, are open for selection for the class suburban lands, which can only be purchased at auction, and which, when placed in this class as supposed to be within a certain distance of a township or a village reserve.

The fact that whilst 740,000 acres of country lands have been sold, 2,000 acres of town lands, including lands sold in Melbourne, Geelong, the town of Castlemaine, Sandhurst, Ballaarat, &c., have been alienated, hardly renders it necessary for the Commission to have expressed their disappointment that the town lands should form so "conspicuous a propor-"tion of the land sales instead of country lands." It is certainly true that the length of advertisements in the "Gazette" is the same for a quarter of an acre as it is for 640 acres.

The tone of their report would lead to the conclusion that land is being held back to injure the agricultural if not the social prospects of the colony. That the latter is not now the case I think I have clearly shown; and that the former is not practically true is evinced by the great reduction which has taken place in certain articles of colonial produce, whilst their importation has diminished, in the large breadth of land under cereal crops in the South Western district, and in the steady demand for, and increasing wages of, agricultural labour throughout the colony. Nor do I believe I should be hazarding an impossibility were I to express my opinion that, although so large a portion, fully one half of our population, are and will continue to be employed on mining operations, within three years this colony will more than supply her own wants.

In recording my conviction that a pursuance of the present system will place the lands of the country within easy reach of the provident and industrious, I am aware that no system save that of granting the lands for nothing will satisfy many of those whose evidence has been received by the Commission.

AN. CLARKE,
Capt. R. E.

Surveyor General's Office, Melbourne,
April 2, 1855.

No. 4.

No. 4.

COPY of a DESPATCH from Governor Sir CHARLES HOTHAM to the Right Hon. Sir GEORGE GREY, Bart.

(No. 48.) Toorac, near Melbourne, April 3, 1855.
(Received July 2, 1855.)
(Answered No. 33, July 12, 1855. Page 82.)

SIR,

IN my Despatch No. 38*, of the 28th February, 1855, I have had the honour to acquaint you that the trial of the remaining prisoners charged with high treason, had been postponed, in order that the opinion of a jury taken from another panel, might be obtained as to the guilt or innocence of the accused.

I am now to report that the remaining prisoners, have been put upon their trial, and a verdict of acquittal given in each case.

The evidence adduced was similar to that elicited at the previous trials—it was clear and indisputable; but excepting, as I am informed, that the juries listened with a little more attention, and took more time to consider their verdicts, no advantage was gained by the postponement of the trials.

The Government short-hand writer is accidently over-pressed with business, but I shall endeavour to accompany this Despatch with a copy of his notes, corrected by the Judges.

The result of these trials gives serious cause for reflection; it is evident that in political cases, according to the present state and practice of the jury law, an

* Page 103 of Parliamentary Paper, July 1855.

VICTORIA.

equitable decision is, I fear, hardly to be expected, so transparent was the determination of the jury that, after Raphelo's acquittal, it became a subject of discussion whether the trials should be proceeded with; it was urged that justice was held up to derision and mockery, and that it would be most prudent to desist.

But in this opinion I could not share. If juries would not do their duty I could discover no reason why I should not do mine; I deemed it of the highest importance to prove that the common law of the land in political cases was insufficient. I thought that every means should be taken to show reflecting and sensible men that in times of danger they must choose their side, and I felt that to obtain this decision, I must exhaust every effort which could be compassed.

I fervently hope that the proposed alterations in the laws regulating the management of the gold fields will produce peace and contentment amongst that branch of the community: but there are peculiar elements in that society which forbid over-confidence. It will be my endeavour to conduct the administration of this colony with regard to the interests of all classes—but it is a bad omen for society when ordinary justice no longer avails.

I have, &c.
(Signed) CHAS. HOTHAM.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

No. 5

No. 5.

Copy of a DESPATCH from Governor Sir Charles Hotham to the Right Hon. Sir George Grey, Bart.

(No. 63.)

Toorac, near Melbourne, May 16, 1855.
(Received August 6, 1855.)

Sir,

I have the honour to forward, for your information, the usual returns from the gold fields for the two months ended 10th April, 1855.

I have, &c.
(Signed) CHAS. HOTHAM.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

Encl. 1. in No. 5.

Enclosure in No. 5.

Gold Returns contained in the Lieutenant Governor's Despatch, No. 63, of date May 16th.

March and April 1855.

No. 1.—Return of the number of Licenses issued at the various Gold Fields.
No. 2.—Return of Gold transmitted by Government Escort from the various workings.
No. 3.—Return of the amount received as Fees for Licenses issued.
No. 4.—Return of the amount received as Fees for the Escort of Gold.
No. 5.—Return of Sales by tender of Government Gold.
No. 6.—Return of the amount received as Fees for the Custody of Gold and Cash.
No. 7.—Return of Gold exported.
No. 8.—Return of the Receipt and Delivery of Gold forwarded by Government Escorts.
No. 9.—Return of the rates of Wages and Prices current in the various Gold Fields.*
No. 10.—Return of the rates of Wages and Prices current in Melbourne.*
No. 11.—Return of the Arrivals at and the Departures from this Colony by Sea.*
No. 12.—Return of Vessels in Harbour Ports of Melbourne and Gelong.*
No. 13.—Return of Cases brought before the Circuit Court, Castlemaine.
No. 14.—Return of the Estimated Population on the various Gold Fields.
No. 15.—Return of Civil, Military, and Police Force employed on the various Gold Fields of the Colony.*

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* These Returns, being extremely voluminous, are not printed.

No. 1.

Department of Commissioners for the Gold Fields.

RETURN of the Number of Miners and Storekeepers' Licenses issued on the various Gold Fields of this Colony during the Months of March and April 1855.

District.	March.							April.						
	Miners' Licenses.				Storekeepers' Licenses.			Miners' Licenses.				Storekeepers' Licenses.		
	Number of Licenses issued for 1 month at £1.	Number of Licenses issued for 3 months at £2.	Number of Licenses issued for 6 months at £4.	Number of Licenses issued for 12 months at £8.	Number of Licenses issued for 3 months at £15.	Number of Licenses issued for 6 months at £25.	Number of Licenses issued for 12 months at £50.	Number of Licenses issued for 1 month at £1.	Number of Licenses issued for 3 months at £2.	Number of Licenses issued for 6 months at £4.	Number of Licenses issued for 12 months at £8.	Number of Licenses issued for 3 months at £15.	Number of Licenses issued for 6 months at £25.	Number of Licenses issued for 12 months at £50.
Castlemaine -	160	314	20	1	15	6	Nil.	51	16	Nil.	Nil.	5	Nil.	Nil.
Maryborough -	132	118	Nil.	Nil.	29	4	1	100	6	Nil.	1	15	Nil.	1
Sandhurst - -	199	312	Nil.	Nil.	8	4	Nil.	11	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
Ballaarat - -	846	513	Nil.	Nil.	18	5	Nil.	573	92	Nil.	Nil.	13	3	Nil.
Beechworth -	206	73	Nil.	Nil.	10	3	5	160	48	Nil.	Nil.	9	Nil.	3
Total - -	1,543	1,330	20	1	80	22	6	895	162	Nil.	1	42	3	4

NOTE.—In consequence of the whole of the April returns not having arrived this return can only be made up to the 28th of that month.

Office of Chief Commmissioner of Gold Fields,
Melbourne, May 12, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No. 2.

RETURN of the Quantity of GOLD received at the Gold Offices, Melbourne and Geelong, from the various Gold Fields of this Colony during the Months of March and April 1855.

Date.	Government Gold.		Private Gold.				Total.		Grand Total.	
			Melbourne.		Geelong.					
	Quantity.	Value at £4 per oz.	Quantity.	Value at £4 per oz.	Quantity.	Value at £4 per oz.	Quantity.	Value at £4 per oz.	Quantity.	Value at £4 per oz.
CASTLEMAINE and SANDHURST.										
	Ounces.	£	oz. dwts.	£ s.	oz. dwts.	£	oz. dwts.	£ s.	oz. dwts.	£
Mar. 2 -	- -	- -	16,217 5	64,869 0	24 0	96	16,241 5	64,965 0		
„ 9 -	- -	- -	12,948 10	51,794 0	60 10	242	13,009 0	52,036 0		
„ 16 -	- -	- -	16,653 10	66,614 0	—	—	16,653 10	66,614 0		
„ 23 -	- -	- -	18,372 10	73,490 0	—	—	18,372 10	73,490 0		
„ 30 -	- -	- -	20,457 7	81,829 8	—	—	20,457 7	81,829 8		
Apr. 6 -	- -	- -	24,853 15	99,415 0	—	—	24,853 15	99,415 0		
„ 13 -	- -	- -	21,941 10	87,766 0	31 10	126	21,973 0	87,892 0		
„ 20 -	- -	- -	22,236 0	88,944 0	81 0	324	22,317 0	89,268 0		
„ 27 -	- -	- -	21,747 12	86,990 8	21 10	86	21,769 2	87,076 8		
Total -	- -	- -	175,427 19	701,711 16	218 10	874	175,646 9	702,585 16	175,646 9	702,585 16
BALLAARAT.										
Mar. 2 -	- -	- -	8,853 10	35,414 0	539 0	2,156	9,392 10	37,570 0		
„ 9 -	- -	- -	9,818 5	39,273 0	261 5	1,045	10,079 10	40,318 0		
„ 16 -	- -	- -	11,162 10	44,650 0	215 5	861	11,377 15	45,511 0		
„ 23 -	- -	- -	11,863 10	47,454 0	318 0	1,272	12,181 10	48,726 0		
„ 30 -	- -	- -	12,854 0	51,416 0	489 5	1,957	13,343 5	53,373 0		
Apr. 6 -	- -	- -	14,394 0	57,576 0	248 15	995	14,642 15	58,571 0		
„ 13 -	- -	- -	16,289 10	65,158 0	233 10	934	16,523 0	66,092 0		
„ 20 -	- -	- -	18,896 0	75,584 0	653 0	2,612	19,549 0	78,196 0		
„ 27 -	- -	- -	22,372 0	89,488 0	98 10	394	22,470 10	89,882 0		
Total -	- -	- -	126,503 5	506,013 0	3,056 10	12,226	129,559 15	518,239 0	129,559 15	518,239 0
BEECHWORTH.										
Mar. 12 -	- -	- -	7,824 10	31,298 0	- -	- -	7,824 10	31,298 0		
„ 26 -	- -	- -	5,447 10	21,790 0	- -	- -	5,447 10	21,790 0		
Apr. 9 -	-	- -	5,888 0	23,552 0	- -	- -	5,888 0	23,552 0		
„ 23 -	- -	- -	7,982 3	31,928 12	- -	- -	7,982 3	31,928 12		
Total -	- -	- -	27,142 3	108,568 12	- -	- -	27,142 3	108,568 12	27,142 3	108,568 12
GRAND TOTAL	- -	- -	- -	- -	- -	- -	- -	- -	332,348 7	1,329,393 8

Office of the Chief Commissioner of Gold Fields,
Melbourne, May 12, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No. 3.

RETURN of the AMOUNT of FEES received at this Office, per Escort, during the Months of March and April 1855, being Remittances on account of Licenses issued at the various Gold Fields of this Colony.

Date.	Where issued.	Gold.	Value at 4*l.* per oz.	Cash.	Total.
1855.		*oz.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
March -	Castlemaine, Sandhurst, &c.	- -	- - -	6,417 6 10	6,417 6 10
April - -	Do. - -	- -	- - -	4,437 6 8	4,437 6 8
	Total -	- -	- - -	10,854 13 6	10,854 13 6

Office of the Chief Commissioner of Gold Fields,
Melbourne, May 12, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No. 4.

RETURN of the AMOUNT of FEES received at the Gold Offices, Melbourne and Geelong, on private Gold and Cash, transmitted per Escort from and to the various Gold Fields of this Colony and delivered to the Public, during the Months of March and April 1855.

Date.	From whence.	Amount.		
		£	s.	d.
March - -	Castlemaine, Sandhurst, &c. - - -	3,753	7	4
April - -	Do. - - - - -	5,772	16	0
	Total - - -	£9,526	3	4

Office of the Chief Commissioner of Gold Fields,
Melbourne, May 12, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No. 5.

RETURN of SALES by TENDER of GOVERNMENT GOLD, during the Months of March and April 1855.

Nil.

Office of the Chief Commissioner of Gold Fields,
Melbourne, May 12, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No. 6.

RETURN of the AMOUNT of FEES received during the Months of March and April 1855, on Gold and Cash deposited in the Gold Offices, Melbourne and Geelong, for a longer period than thirty days.

Date.	No. of Parcels.	Gold.	Cash.			Amount.		
		oz.	£	s.	d.	£	s.	d.
March - - -	82	2,930	940	0	0	197	13	10
April - - - -	66	1,891	847	0	0	253	0	5
Total - - -	148	4,821	1,787	0	0	450	14	3

Office of the Chief Commissioner of Gold Fields,
Melbourne, May 12, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

VICTORIA.

No. 7.

RETURN of the QUANTITY of GOLD exported from this Colony during the Months of March and April 1855.

Ports of Shipment.	March.			April.			Total.		
	oz.	*dwts.*	*grs.*	*oz.*	*dwts.*	*grs.*	*oz.*	*dwts.*	*grs.*
Melbourne - - -	132,153	6	4	320,906	1	6	453,059	7	10
Geelong - - -	4,500	0	0	Nil.			4,500	0	0
Total - - -	136,653	6	4	320,906	1	6	457,559	7	10

Custom House, Melbourne,
May 4, 1855.

HUGH C. E. CHILDERS.

No. 8.

RETURN of PRIVATE GOLD received at and delivered from the Gold Office, Melbourne, during the Month of March 1855.

	oz.	*dwts.*
Corrected balance on hand, 28th February 1855 - - -	14,448	16
Received from Castlemaine, Sandhurst, &c. - - -	84,649	2
„ Ballarat, &c. - - - - - -	54,551	15
„ Beechworth - - - - - -	13,272	0
Total - - -	166,922	13
Delivered to the Public - - - - - -	126,044	16
Balance 31st March 1855 - -	40,877	17

Office of the Chief Commissioner of Gold Fields,
Melbourne, May 12, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

RETURN of PRIVATE GOLD received at and delivered from the Gold Office, Melbourne, during the Month of April 1855.

	oz.	*dwts.*
Balance on hand on 31st March 1855 - - - -	40,877	17
Received from Castlemaine, Sandhurst, &c. - - - -	90,778	17
„ Ballarat - - - - - -	71,951	10
„ Beechworth - - - - - -	13,870	3
Total - - -	217,478	7
Delivered to the Public - - - - -	209,931	5
Balance 30th April 1855 - -	7,547	2

Office of the Chief Commissioner of Gold Fields,
Melbourne, May 12, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

Nos. 9 and 10.

[Consisting of RETURNS of Current RATES of WAGES and PRICES, being extremely voluminous, are not printed.]

Nos. 11 and 12.

[Consisting of RETURNS of ARRIVALS and DEPARTURES by SEA, and of Vessels in Harbour of Ports of Melbourne and Geelong, being extremely voluminous, are not printed.]

No. 13.

A RETURN of the DISPOSAL of THIRTY-FIVE PERSONS brought before the Criminal Circuit Court, Castlemaine, in the Colony of Victoria, for Trial, April 9, 1855.

Offence.	Convicted.	Acquitted.	Discharged from absence of Witnesses.	Remanded to next Sessions.	Total.
Manslaughter	1	-	-	-	1
Wounding with intent to do grievous bodily harm	-	-	-	1	1
Robbery in company	1	-	-	13	14
Burglary	-	-	-	1	1
Stealing in a dwelling house to the value of 5*l.*	3	-	-	4	7
Stealing from the person	1	-	-	-	1
Horse stealing	1	2	-	-	3
Sheep stealing	1	-	-	-	1
Larceny	2	2	-	-	4
Perjury	-	-	-	1	1
Bribery	1	-	-	-	1
Total	11	4	-	20	35

SENTENCES.

7 years on the roads of the Colony	3
5 do.	1
3 do.	1
2 do.	1
18 months do.	3
6 do.	1
12 do. imprisonment	1
	11

HENRY F. GURNER, Crown Solicitor.

No. 14.

RETURN of the estimated Population on the various Gold Fields of this Colony on the 28th April, 1855.

District.	Men.	Women.	Children.	Total.
Castlemaine	17,916	3,128	3,956	25,000
Maryborough	22,062	4,560	5,630	32,252
Sandhurst	17,100	4,300	4,100	25,500
Ballarat	19,750	6,000	6,650	32,400
Beechworth	3,780	510	750	5,040
Total	80,608	18,498	21,086	120,192

Office of the Chief Commissioner of Gold Fields,
Melbourne, May 12, 1855.

W. H. WRIGHT,
Chief Commissioner of Gold Fields.

No. 15.

[RETURNS of the OFFICERS employed on the Gold Fields on the 30th of April, 1855, being extremely voluminous, are not printed.]

VICTORIA.

No. 6.

No. 6.

EXTRACT of a DESPATCH from Governor Sir CHARLES HOTHAM to the Right Hon. Lord JOHN RUSSELL, dated

(No. 86.) Toorac, near Melbourne, July 2, 1855.
(Received October 22, 1855.)

"I HAVE the honour to transmit authenticated copies of fifteen Acts which have passed the Legislative Council during the session which has just terminated, and beg leave to present the following summary of their purport and intention.

* * * *

Gold Export Duty Act. 18 Vict. No. 27.

"The Commission appointed to inquire into the state of the gold fields—the reasons and motives for appointing which have been already brought under notice—recommended, amongst other suggestions, the abolition of the license fee and the imposition of a moderate export duty on gold.

"The Act now submitted merely imposes that duty, being at the rate of two shillings and sixpence an ounce, in the same manner as duty on any other export; the provisions relative to the mode of collecting it, smuggling, &c. are contained in the Customs Amendment Act. Although the imposition of an export duty on any article, the produce of the country, may be open to objections economically, yet politically it was absolutely necessary to change the mode of obtaining a return from persons engaged in mining for gold, and no other method less objectionable presented itself.

"The duty has been easily collected and a greater revenue than was anticipated has been derived from this tax."

Encl. in No. 6.

Enclosure in No. 6.

No. XXVII.

AN ACT for granting Duties of Customs upon Gold exported from Victoria.—[Assented to 20th April, 1855.]

Preamble.

WHEREAS it is expedient to levy a duty of customs on gold exported from Victoria: Be it therefore enacted by his Excellency the Lieutenant Governor of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation Clause.

I. In the construction of the provisions of this Act the following terms shall have the meanings hereby assigned to them, that is to say:—

The term "gold" shall mean and include gold in its natural state, whether mixed with any other substance or not, gold dust, and all other gold, whether wrought or unwrought, excepting the current coin of the realm and articles of jewellery or ornament actually worn upon the person.

The term "ounce" shall mean an ounce troyweight.

The term "exported" shall mean and include transmission or removal from Victoria, whether by land or sea.

Export duty on Gold.

II. From and after the commencement of this Act there shall be levied, collected, and paid to Her Majesty, Her heirs and successors, for the public uses of the colony of Victoria, and in support of the Government thereof, a duty of customs of two shillings and sixpence on every ounce weight of gold previous to its being exported from Victoria, and so in proportion for any greater or less quantity than an ounce.

Commencement of Act.

III. This Act shall commence and take effect from and after the first day of May, in the year one thousand eight hundred and fifty-five.

No. 7.

No. 7.

EXTRACT of a DESPATCH from Governor Sir CHARLES HOTHAM to to the Right Hon. Lord JOHN RUSSELL.

(No. 87.) Toorac, near Melbourne, July 2, 1855.
(Received October 22, 1855.)

"MY LORD,

"IN continuation of my Despatch, No. 86, of present date, I have the honour to transmit authenticated copies of seventeen Acts, being the remaining Acts of the session just terminated, and to which I have given Her Majesty's assent.

Management of Gold Fields Amendment Act. 18 Vict. No. 37.

* * * * * *

VICTORIA.

Encl. No 7.
Report of the Commission.

Sir C. Hotham to Secretary of State, No. 47, of the 2nd April 1855.

"This Act has been drawn in accordance with the recommendations made by the Commission appointed to inquire into the state of the gold fields.

"The Act authorizing the collection of the license fee for mining is repealed, in accordance with the pledge of the Government when the export duty on gold was imposed, but that the rights of the Crown might be fully acknowledged, the sum of one pound per annum has been fixed for the privilege of being allowed to mine on the Crown lands, more as a mark of fealty than as a source of revenue. Sec. 2.

"Storekeepers and other dealers are compelled to pay for their respective holdings a license fee at the rate of ten pounds per annum, and persons who mine or carry on any business on the gold fields without such authority are liable to the penalties laid down in the Statute for trespassing on Crown lands. Sec. 4. Sec. 7. 5 & 6 Vict. cap. 36.

"Authority is also given to the Governor to grant leases of such auriferous lands as he may think fit, reserving such sum by way of rent or royalty as he may deem expedient. It is contemplated to exercise this power principally, if not solely, in cases where, from the nature of the labour, such as quartz crushing or re-working old gold fields, it may require more capital and a greater number to unite together to carry on the works than in the ordinary mode of mining.

"The practice found to work well in cases of disputed claims or encroachment, of obtaining the services of practical miners as assessors, to assist the Crown officer in adjusting these disputes, has been legalized. Provision has also been made for the formation of a local Court, to be composed of nine persons elected by authorized miners, and presided over by a Crown officer. Sec. 11 & 12. Sections 16, 17, 18, 19, 20, 21, and 22.

"This Court will take cognizance of any local partnership disputes, and frame rules and regulations for determining the extent and position of claims, the application of machinery, and such other local matters as may be conducive to the general welfare of the miners.

"Any breaches of such rules or regulations may be punished by fine, but in order to prevent any clashing of such rules with either the law or the Government regulations, they are not to have any force until the consent of the Governor has been obtained and published in the "Gazette." Sec. 23. Sec. 17.

"These local Courts will be presided over by a Crown officer, who will in most, if not in all, instances be a justice of the peace, and thus be able to carry out the proper working of the Court and maintain its authority. Sec. 25.

"From the shifting nature of the mining population it was not thought desirable to make the members of such Courts serve more than six months, nor prescribe any elaborate form of election. Sec. 19 & 20.

"Power is given to the Governor to appoint such officers as he might deem necessary, and to establish such rules and regulations, not being inconsistent with the Act, as may be deemed desirable. Sec. 8 & 9.

"The Royal prerogative in reference to the gold fields and gold mines has been expressly saved."

Enclosure 1 in No. 7.

Encl. 1 in No. 7.

No. XXXVII.

An Act* to amend the Laws relating to the Gold Fields.—[Assented to 12th June, 1855.]

Whereas it is expedient to amend the laws relating to the Gold Fields: Be it therefore enacted by his Excellency the Governor of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:— Preamble.

I. In the construction and for the purposes of this Act if not inconsistent with the context or subject matter, the following terms shall have the respective meanings hereby assigned to them, that is to say:— Interpretation.

The verb "mine" shall be understood to include any mode or method whatsoever, whereby the soil, or earth, or any rock, or stone may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with for the purpose of obtaining gold, whether the same may have been previously disturbed or not, as well as the appropriation of such gold by the finder thereof to his own use;

The word "gold" shall signify as well any gold as any earth, clay, quartz, stone, or other mineral containing gold or having gold mixed in the substance thereof or set apart for the purpose of extracting gold therefrom.

* Her Majesty's confirmation of this Act notified in a Despatch to Sir C. Hotham, dated 26th December, 1855, No. 44.

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The words "gold mines" and "gold fields" shall mean those parts of the waste lands of the Crown in Victoria, on which any persons are or may be actually engaged in mining for gold.

The word "claim" shall mean the portion of land which each person or company shall be entitled to occupy or to occupy and mine in, under any document, license, or lease issued under the provisions of this Act.

The word "business" shall mean and include any profession, trade, calling, or occupation except mining, and any vending or disposing of any goods, wares, merchandize, or chattels, whether by hawking or in any other manner. And

The words "authorized persons" shall mean and include all holders of any license or lease for pastoral purposes, all ministers of religion and schoolmasters, the servants of such holders, ministers, and schoolmasters then residing with and being in the actual employment of any of them; and all females and all children under fourteen years of age who shall only reside, but not mine for gold upon any gold field.

The miner's right may be issued.

II. It shall be lawful for the Governor subject to the provisions of this Act and the rules and regulations to be made as herein after provided to cause documents to be issued, each of which shall be called "the miner's right" and shall be granted to any person applying for the same upon payment of a fee of one pound.

Duration and effect of "the miner's right."

III. The "miner's right" shall be in force for the period of twelve months from the date thereof, and shall during the said period authorize the holder to mine for gold upon any of the waste lands of the Crown, and to occupy (except as against Her Majesty) for the purpose of residence in connection with the object of mining, so much of the said lands as may be prescribed under the rules and regulations to be made as herein-after mentioned, and every such holder shall during the continuance of such miner's right be deemed in law to be the owner (except as against Her Majesty only) of the claim of which shall be occupied by virtue of such miner's right, and during such continuance as aforesaid all gold then being in and upon the said claim shall (except as against Her Majesty) be deemed in law to be the absolute personal property of such holder.

Licenses may be issued.

IV. It shall be lawful for the Governor, subject to the provisions of this Act and to such rules and regulations as aforesaid, to cause licenses to be issued which shall be in force for the period of three, six, or twelve months from the dates thereof, respectively authorizing the holder to carry on business upon any gold field, and the fees to be paid for such licenses shall be as follows (that is to say):—

For three months - - -	Two pounds and ten shillings
For six months - - -	Five pounds.
For twelve months - - -	Ten pounds.

Leases of auriferous lands may be issued.

V. It shall be lawful for the Governor subject to and in accordance with the laws in force for the time being, respecting waste lands of the colony, and the provisions of this Act and the rules and regulations to be made as herein-after mentioned, to grant leases for mining purposes of portions of auriferous lands and to fix the amount to be paid by way of rent whether as a royalty or otherwise.

Fee payable in advance.

VI. All such fees as aforesaid and all other fees herein mentioned shall be payable in advance, and shall be paid to Her Majesty, Her heirs and successors, to be applied to the public uses of the colony of Victoria and in support of the Government thereof.

Persons mining without authority to be dealt with as in unauthorised occupation.

VII. Any person not being the holder of the miner's right or a lease under this Act, who shall mine or employ any other person to mine, or who shall be in a mining partnership with any other person who shall mine for gold in any land whatsoever in Victoria, and any person not being the holder of a right, license, or lease duly empowering him in that behalf, and not being an authorized person within the meaning of this Act, who shall carry on or follow any business, or become resident upon or at any of the gold mines or gold fields shall be deemed to be in the unauthorized occupation of such lands, and shall be liable to be dealt with accordingly.

Officers may be appointed.

VIII. It shall be lawful for the Governor to appoint officers who shall have power and authority subject to the provisions of this Act and the rules and regulations to be made as herein-after mentioned, to determine the extent and position of the claim to which each person or company is entitled under any document, right, license, or lease issued under the provisions of this Act, and to mark such extent.

Rules and regulations may be made.

IX. It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make such rules and regulations, not being contrary to the provisions of this Act, as shall appear necessary for regulating the form of documents, licenses, and leases to be issued under this Act, the mode, times, dates, and places of the issue thereof, the conditions on which the same shall be issued, the mode of transferring or assigning the same, and of prohibiting any such transfer or assignment, and generally for the purpose of carrying the provisions of this Act into execution, and all the rules and regulations heretofore made by the Governor and Executive Council respecting the issue of licenses for mining purposes, or respecting any of the purposes aforesaid not inconsistent herewith, shall have the force and effect of law until repealed, altered, or amended by any rules or regulations, to be made as herein mentioned.

Persons encroaching may be removed.

X. It shall be lawful for any justice of the peace upon the complaint of any person holding the miner's right, or any license or lease under the provisions of this Act, that any other person has encroached upon the claim of the complainant, to proceed forthwith to the

spot for the purpose of investigating the matter of such complaint, and to inquire into the case, and on his own view, or upon the oath of any witness (which oath he is hereby empowered to administer) to determine the same in a summary way, and if it shall appear to such justice that the person complained against has so encroached by occupying, mining, or undermining such claim, or in any other way whatsover, it shall be lawful for such justice to cause the person so found to have encroached as aforesaid, his servants, implements, goods, and chattels, to be removed from the claim so encroached upon.

Assessors may be called in.

XI. It shall be lawful for any such complainant or person complained of, or for such justice, previous to the hearing of any such complaint, to require that four persons holding the miner's right or a lease under this Act, shall assist such justice as assessors, and thereupon such justice, if four persons duly qualified are not present and ready to attend and be sworn as such assessors, shall summon any number, not exceeding eight persons, duly qualified as aforesaid, and shall select from such number the first four disinterested persons who may attend, and shall administer an oath in the form set forth in the schedule hereunto annexed, marked A, to such persons as may attend, whether summoned or not, and such persons so sworn shall be and act as assessors; and such justice and assessors shall hear and determine every such complaint, and shall also find whether any gold has been unlawfully or improperly removed from such claim, and whether any damage has been sustained by such encroachment, and the decision of the majority, consisting of such justice and two assessors, shall be binding.

Compensation may be awarded.

XII. It shall be lawful for such justice and assessors, upon the hearing of any complaint as aforesaid, or for any two justices of the peace, upon proof of any gold having been removed as aforesaid (of which any such finding as aforesaid shall be sufficient evidence), to cause any gold which may have been taken or removed from such claim to be summarily seized and delivered to such complainant, and, whether any such gold shall have been so seized or delivered or not, to cause the whole or any part of the damages ascertained as aforesaid, to an amount not exceeding two hundred pounds, to be paid by the person so having encroached or trespassed, as to such justice and assessors or such justices shall seem just, to be recovered by distress and sale of the goods and chattels of such person in manner prescribed by law for the recovery of any sum adjudged by a justice of the peace as a pecuniary penalty or compensation.

Fees may be demanded.

XIII. Previously to the entertaining of any complaint as aforesaid, such justice shall and may demand and receive the fee of two pounds, and until such fee shall have been paid such justice may refuse to attend to any such complaint: provided, that if the decision shall be against the person complained of, such person may be ordered to repay such fee to the complainant, and the determination by whom the fee is to be paid shall in every case form part of the decision of such justice, or such justice and assessors, as the case may be, and such fee may be recovered as herein directed in regard to any compensation awarded to any complainant.

Penalty for non-attendance, &c., as assessor.

XIV. If any person holding the miner's right, or a lease issued under the provisions of this Act, having been duly summoned, shall disobey such summons, and fail to attend at such time and place as may be named therein, or to be sworn as aforesaid, it shall be lawful for such justice, upon proof that such person was duly summoned, or having been summoned refused to be sworn, unless some reasonable cause for the non-attendance or refusal of such person be made to appear to such justice, to inflict a fine not exceeding five pounds, which fine may be levied and appropriated in like manner as other fines inflicted by virtue of this Act, and every such person who shall attend in obedience to any such summons and be sworn to act as assessor shall be entitled to demand and receive the sum of ten shillings for the hearing of such complaint, and such justice and assessors shall determine and order by whom such sums or any parts thereof shall be paid.

Penalty for resisting officers, &c., a renewed encroachment.

XV. If any person shall assault or resist any such officer, or any of the said assessors, or any person duly authorized by him or them, whilst in the execution of the duties provided to be performed under this Act, or if any person, after the hearing and determining of any such complaint and having had the boundaries of his claim pointed out by any officer or justice of the peace, shall again encroach or trespass as aforesaid, every such person so assaulting, resisting, or again encroaching shall forfeit and pay a penalty not exceeding fifty pounds, or at the discretion of the adjudicating justices be imprisoned with hard labour for any period not exceeding six months.

District may be proclaimed for purpose of a local court.

XVI. It shall be lawful for the Governor, with the advice of the Executive Council, by proclamation, from time to time to declare any gold field to be a district, for the purpose of forming a local court, with the powers and authorities hereinafter described, and to declare the name of such district and define the limits and appoint the chairman of such local court, and from time to time to vary and alter such limits and revoke such appointment and make another or others; and after the publication of any such proclamation the locality so described shall be and become a district for the purposes of this Act.

Constitution of local court.

XVII. Every such court shall consist of a chairman, to be nominated as herein-before directed, and five at the least of nine persons holding the miner's right or a lease under this Act to be elected as herein-after directed, and every such court may appoint a clerk, and shall have power to frame rules and regulations for determing the extent and position of any claim, the conditions on which it shall be worked, and the application and use of any machinery, and such local rules and regulations relating to mining and applicable to the district for which the members may be elected as they shall deem most beneficial, and no

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such rule shall be in force until it shall have received the assent of the Governor and been published in the "Government Gazette."

Rules and regulations must be laid before the Legislative Council.

XVIII. Every rule or regulation made as herein mentioned shall be laid before the Legislative Council within fourteen days from the making thereof, if the Legislative Council shall be then in session, and if not, then within fourteen days after the commencement of its next session.

Proceedings to be taken by chairman.

XIX. It shall be lawful for such chairman when appointed to name a place and time by public notification in such manner as may seem to such chairman most desirable, the place to be some convenient locality within the limits of the gold field district for which he shall be chairman, and the time some day not less than seven days nor more than fourteen days from the date of the first publication of such notice, when and where a public meeting will be held of persons usually residing within such district and holding the miner's right or a lease under this Act, for the purpose of electing nine persons holding such miner's right or a lease under this Act, as and to be members of the local court, and at the time and place mentioned the said chairman shall attend and preside at such meeting, and upon the name of any person qualified as aforesaid being proposed and seconded by persons also qualified as aforesaid as a member of such local court, such name shall be submitted to the meeting, and if the meeting shall signify its approval of such name, such person shall be declared by the chairman to be duly elected a member of such court, and if such meeting shall signify its disapproval of such name, such person shall be declared as rejected, and so on until nine persons qualified as aforesaid shall have been duly elected; and if any dispute or doubt shall arise as to the decision of such meeting in any particular case, the said chairman shall proceed by the best means available to him, either by dividing the meeting into two parts—those for the proposition and those against it—or otherwise, to ascertain which side has the majority, and the decision of such chairman shall be final, provided in case of any such doubt or dispute as aforesaid it shall be competent for such chairman or any person qualified as aforesaid to demand the production of the document termed the miner's right or lease under this Act of any person voting or speaking at such meeting, and if such person cannot produce either of such before-mentioned documents, his vote or voice shall not be considered at such meeting.

Members of court.

XX. The nine persons so elected as aforesaid shall continue members of such court for the period of six months from the date of such election, unless they shall sooner retire or cease to be members, as hereinafter provided, and five of such members, with the chairman, shall form a quorum, and the acts of such quorum shall be deemed to be the acts of the whole court, and in all proceedings the decision of the majority shall be the decision of such court, and in case of an equality of votes, the chairman shall have an additional or casting vote.

Vacancies, how caused and how filled.

XXI. If any member of such court shall absent himself from the meetings of such court for four weeks consecutively, or shall send in his resignation in writing addressed to the chairman, or shall in any way become incapacitated from attending such court, such person shall cease to be a member of such court, and the chairman shall call a public meeting of persons qualified as aforesaid for the purpose of electing some person to fill the vacancy thus caused, and at such meeting the same proceedings, as nearly as may be, shall be had and taken as is herein directed to be had and taken at the first election of members of such court, provided that so long as there is a quorum any vacancy or deficiency in the number of members of such court shall not affect the proceedings thereof.

Half-yearly election.

XXII. Fourteen days before the termination of the six months for which the members of such court shall have been elected the chairman shall publicly notify a time when and place where a public meeting shall be held for the purpose of electing nine persons, being qualified as aforesaid, to serve for the ensuing six months as members of the local court in place of the members whose period of service shall have expired, and at such meeting such chairman shall preside, and the same proceedings be had and taken and the same rules apply and be applicable as is herein-before set forth in regard to the first election of members of such court, and the members so elected shall be members for the six months ensuing the date upon which the first elected members shall retire, and so on every succeeding six months, provided that any member retiring as aforesaid at the expiration of any six months shall, if otherwise qualified, be eligible to be re-elected.

Breaches of rules may be inquired into.

XXIII. Every such local court established as aforesaid shall and may take cognizance of any breach, whether of omission or commission, of any of the rules or regulations framed by the said court as aforesaid, and punish every such breach by the infliction of a fine or penalty not exceeding ten pounds for the first offence and twenty pounds for any second or subsequent offence.

Court may entertain partnership questions.

XXIV. It shall be lawful for the chairman of any such court, upon complaint made by the holder of any right, lease, or license under this Act, that he is or has been whilst such holder engaged in a mining partnership with any other person, and that a balance is due to him on account thereof, or upon the application of any such holder so engaged in such partnership that the same may be dissolved, and that the sums respectively due to the several members thereof may be ascertained and paid, to issue process to procure or compel the appearance before such court of such members of the said partnership as shall appear necessary, and upon such appearance, or in default thereof, after such process, to procure and compel the same as aforesaid, or in the absence of such members as shall not appear to be necessary parties to such case it shall be lawful for such court to inquire into and hear such

complaint or application, and order that such partnership shall be dissolved, and ascertain and determine the amount to be paid by any one member to any other member or members thereof, and to order that such amount so determined, together with reasonable costs, shall be paid, or to make such other order as to such court shall seem meet, provided that the balance or amount payable to any one partner does not exceed two hundred pounds.

Powers of local court.

XXV. The chairman of every such local court shall have power to summon and examine on oath any witness or witnesses, and to administer any such oath, and also to commit for any period not exceeding fourteen days any person refusing to be sworn or committing any other contempt in such court, and also to issue a warrant to compel the attendance of any necessary witnesses, and shall possess generally the powers of a court of petty sessions, and no proceedings in such court shall be quashed for want of form, or be removed into the Supreme Court by certiorari or otherwise, and such court shall have power to award reasonable costs to either party in any matter brought before such court, and the orders or awards of such court shall and may be carried out or enforced by the chairman of such court in the manner justices of the peace are now by law authorised to enforce any order or award made in any court of petty sessions.

Punishment for forgery and personation.

XXVI. If any person shall forge any document, license, or lease, issued under the authority of this Act, or shall fraudulently use, utter, or exhibit any such forged document, license, or lease, knowing the same to be forged, or if any person shall fraudulently personate the holder of any such document, license, or lease, or shall falsely and fraudulently represent that any servant or other person is an authorised person within the meaning of this Act, or shall fraudulently use or exhibit as his own, any document, license, or lease belonging or granted to any other person, or shall use or exhibit as a valid document, license, or lease, any document, license, or lease which shall have expired, he shall be guilty of a misdemeanour, and shall on conviction before any court of competent jurisdiction be subject to fine or imprisonment, with or without hard labour, or to both at the discretion of such court.

Punishment for fraud.

XXVII. If the holder of any document, license, or lease issued under the provisions of this Act shall by any fraudulent device or contrivance defraud, or attempt to defraud Her Majesty or any person authorised to receive the same of any money or gold payable or reserved by such document, license, or lease, or shall conceal or make a false statement as to the amount of any gold procured by him, or falsify any accounts with a fraudulent intent, such person shall be deemed guilty of a misdemeanour, and shall on conviction thereof before any court of competent jurisdiction be subject to fine and imprisonment at the discretion of such court; and all officers and servants of such holder and other persons whosoever who shall knowingly be concerned in any such fraud or attempted fraud, whether with or without the knowledge or concurrence of such holder, shall in like manner be deemed guilty of a misdemeanour, and shall on conviction as aforesaid be liable to a like punishment.

Stealing gold larceny.

XXVIII. If any person shall steal any gold, or shall sever or secrete with intent to steal any gold from any claim, mine, bed, or vein thereof, or if any person shall with a fraudulent intent take, remove, or conceal any gold found, or being in any claim, mine, bed, or vein thereof, every such person shall be deemed guilty of felony, and being thereof convicted shall be liable to be punished in the same way as in the case of larceny.

Royal prerogative not interfered with.

XXIX. Nothing in this Act contained shall be deemed to abridge or control the prerogative rights and powers of Her Majesty the Queen, Her heirs and successors, in respect of the gold mines and gold fields of the colony of Victoria.

Summary proceeding.

XXX. All proceedings for any infringement of any of the provisions of this Act or of any of the rules established by the Governor, with the advice of the Executive Council as aforesaid, and the hearing and determining of which is not herein otherwise specially provided for shall be had and taken by or before any two justices of the peace in a summary way, and no such proceedings shall be removed by certiorari into the Supreme Court.

Appropriation of fines.

XXXI. All fines inflicted under this Act shall go and be distributed, one moiety thereof to the informer or party complaining, and the other moiety to Her Majesty, Her heirs and successors, for the public uses of the colony of Victoria, and in support of the Government thereof.

Appeal.

XXXII. Any person ordered or adjudged to forfeit or pay any fine, penalty, or forfeiture amounting to ten pounds and upwards, who shall feel himself aggrieved by the judgment of the local court, or any justice or justices adjudicating, or before whom he was convicted, may appeal from any such judgment or conviction to the next court of general sessions of the peace which shall be held nearest to the place where such judgment or conviction shall have been given or made, and the execution of every such judgment or conviction so appealed from shall be suspended in case such person shall with two or more sufficient sureties immediately before such court, justice, or justices, enter into a bond or recognizance to Her Majesty, Her heirs and successors, in the penal sum of double the amount of such fine, penalty, or forfeiture, which bond or recognizance respectively, such local court or justice or justices is and are hereby authorised and required to take, and such bond or recognizance shall be conditioned to prosecute such appeal with effect, and to be forthcoming to abide the determination of the said court of general sessions, and to pay such costs as the said court shall award on such occasion, and such court of general sessions is hereby authorised and required to hear and determine the matter of the said appeal, and the

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decision of such last mentioned court shall be final between the parties to all intents and purposes.

Repeal of 17 Vict. No. 4.

XXXIII. From and after the passing of this Act an Act of the Lieutenant Governor and Legislative Council of Victoria, passed in the seventeenth year of the reign of Her present Majesty, intituled "An Act for the better Management of the Gold Fields in the "Colony of Victoria," shall be and the same is hereby repealed, except so far as relates to any matter or thing done or commenced under the said Act or any offence committed against the same, previous to the passing of this Act.

SCHEDULE referred to in the foregoing Act.

[A.]

I do swear that I will well and truly inquire into the matter of the complaint now submitted, and true finding and decision give according to the evidence.

So help me God.

No. 8.

No. 8.

COPY of a DESPATCH from Governor Sir CHARLES HOTHAM to the Right Hon. Lord JOHN RUSSELL.

(No. 94.)

Toorac, near Melbourne, July 17, 1855.

(Received October 22, 1855.)

MY LORD,

I HAVE the honour to forward for your information the usual returns from the gold fields for the two months ended 30th June, 1855.

I have, &c.

(Signed) CHAS. HOTHAM.

The Right Hon. Lord John Russell,
&c. &c. &c.

Encl. in No. 8.

Enclosure in No. 8.

GOLD RETURNS, contained in the Lieutenant Governor's Despatch, No. 94, of date July 17, 1855.

May and June 1855.

No. 1.—Return of the number of Licenses issued at the various Gold Fields of this Colony.
No. 2.—Return of Gold transmitted by Government Escort from the various workings.
No. 3.—Return of the amount received as Fees for Licenses issued.
No. 4.—Return of the amount received as Fees for the Escort of Gold.
No. 5.—Return of Sales by tender of Government Gold.
No. 6.—Return of the amount received as Fees for the Custody of Gold and Cash.
No. 7.—Return of Gold exported.
No. 8.—Return of the Receipt and Delivery of Gold forwarded by Escorts.
No. 9.—Return of the rates of Wages and Prices current in Melbourne.*
No. 10.—Return of the rates of Wages and Prices current on the various Gold Fields.*
No. 11.—Return of the Arrivals at and Departures from this Colony by Sea.*
No. 12.—Return of Vessels in Harbour Ports of Melbourne and Geelong.*
No. 13.—Return of Cases brought before the Circuit Court, held at Castlemaine, on 9th June.
No. 14.—Return of the Estimated Population on the various Gold Fields.

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* These Returns, being extremely voluminous, are not printed.

No. 1.

Gold Department.

RETURN of the Number of Miners and Storekeepers' Licenses issued on the various Gold Fields of this Colony during the Months of May and June 1855.

District.	May.							June.						
	Miners' Licenses.				Storekeepers' Licenses.			Miners' Licenses.				Storekeepers' Licenses.		
	For 1 Month at 1*l.*	For 3 Months at 2*l.*	For 6 Months at 4*l.*	For 12 Months at 8*l.*	For 3 Months at 15*l.*	For 6 Months at 25*l.*	For 12 Months at 50*l.*	For 1 Month at 1*l.*	For 3 Months at 2*l.*	For 6 Months at 4*l.*	For 12 Months at 8*l.*	For 3 Months at 15*l.*	For 6 Months at 25*l.*	For 12 Months at 50*l.*
Castlemaine -	Nil.	Nil.	Nil.	Nil.	5	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
Maryborough -	18	Nil.	Nil.	Nil.	14	1	Nil.	15	1	Nil.	Nil.	1	Nil	Nil.
Sandhurst -	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
Ballarat -	162	5	Nil.	Nil.	3	Nil.	Nil.	30	6	Nil.	Nil.	1	Nil.	Nil.
Beechworth -	35	Nil.	Nil.	Nil.	5	Nil.	1	Nil.	1	Nil.	Nil.	Nil.	1	3
Total -	215	5	Nil.	Nil.	27	1	1	45	8	Nil.	Nil.	2	1	3

NOTE.—In addition to the above the following miners' rights, business licenses, and leases were issued during the month of June, under the new mining regulations:—

District.	Miners' Rights.	Business Licences.			Alluvial Leases.	Quartz Leases.
	At 1*l.* per Annum.	At 2*l.* 10*s.* per Quarter.	At 5*l.* per Half year.	At 10*l.* per Annum.	At 10*l.* per Acre per Annum.	At 1*l.* per Yard per Annum.
Castlemaine - -	1,294	Nil.	Nil.	Nil.	Nil.	Nil.
Maryborough - -	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
Sandhurst - - -	517	Nil.	Nil.	Nil.	Nil.	Nil.
Ballarat - - -	501	Nil.	Nil.	Nil.	Nil.	Nil.
Beechworth - -	24	Nil.	Nil.	Nil.	Nil.	Nil.
Total - - -	2,336	Nil.	Nil.	Nil.	Nil.	Nil.

Colonial Secretary's Office, Melbourne,
July 19, 1855.

W. H. WRIGHT,
Secretary to the Gold Department.

No. 2.

Gold Department.

RETURN of the AMOUNT AND VALUE of GOLD received at the Gold Offices, Melbourne and Geelong, from the various Gold Fields of this Colony during the Months of May and June 1855.

Date.	Government Gold.		Private Gold.				Total.		Grand Total.	
			Melbourne.		Geelong.					
	Quantity.	Money Value at 4*l.* per Ounce.	Quantity.	Value at 4*l.* per Ounce.	Quantity.	Value at 4*l.* per Ounce.	Quantity.	Value at 4*l.* per Ounce.	Quantity.	Value 4*l.* per Ounce.
CASTLEMAINE AND MARYBOROUGH.									*ozs. dwt.*	£ *s.*
			ozs. dwt.	£ *s.*	*ozs. dwt.*	£ *s.*	*ozs. dwt.*	£ *s.*		
May 4	- -	- -	10,783 0	43,132 0	12 0	48 0	10,795 0	43,180 0		
„ 11	- -	- -	16,340 19	65,363 16	6 0	24 0	16,346 19	65,387 16		
„ 18	- -	- -	18,837 10	75,350 0	—	—	18,837 10	75,350 0		
„ 25	- -	- -	19,836 2	79,344 8	50 13	202 12	19,886 15	79,547 0		
June 1	- -	- -	18,012 5	72,049 0	62 0	248 0	18,074 5	72,297 0		
„ 8	- -	- -	19,373 14	77,494 16	48 0	192 0	19,421 14	77,686 16		
„ 15	- -	- -	25,872 5	103,489 0	60 0	240 0	25,932 5	103,729 0		
„ 22	- -	- -	28,447 8	113,789 12	36 0	144 0	28,483 8	113,933 12		
„ 29	- -	- -	31,581 10	126,326 0	118 0	472 0	31,699 10	126,798 0		
Total -	- -	- -	189,084 13	756,338 12	392 13	1,570 12	189,477 6	757,909 4	189,477 6	757,909 4
BALLARAT.										
May 4	- -	- -	2,284 0	9,136 0	69 15	279 0	2,353 15	9,415 0		
„ 11	- -	- -	7,920 10	31,682 0	410 0	1,640 0	8,330 10	33,322 0		
„ 18	- -	- -	11,289 5	45,157 0	284 5	1,137 0	11,573 10	46,294 0		
„ 25	- -	- -	23,193 0	92,772 0	326 5	1,305 0	23,519 5	94,077 0		
June 1	- -	- -	14,357 15	57,431 0	95 15	383 0	14,453 10	57,814 0		
„ 8	- -	- -	20,745 10	82,982 0	1,444 0	5,776 0	22,189 10	88,758 0		
„ 15	- -	- -	17,362 0	69,448 0	211 10	846 0	17,573 10	70,294 0		
„ 22	- -	- -	16,882 15	67,531 0	107 0	428 0	16,989 15	67,959 0		
„ 29	- -	- -	20,801 10	83,206 0	73 10	294 0	20,875 0	83,500 0		
Total -	- -	- -	134,836 5	539,345 0	3,022 0	12,088 0	137,858 5	551,433 0	137,858 5	551,433 0
BEECHWORTH.										
May 7	- -	- -	4,616 0	18,464 0	—	—	4,616 0	18,464 0		
„ 21	- -	- -	4,041 10	16,166 0	—	—	4,041 10	16,166 0		
June 14	- -	- -	6,042 0	24,168 0	—	—	6,042 0	24,168 0		
„ 28	- -	- -	5,380 10	21,522 0	—	—	5,380 10	21,522 0		
Total -	- -	- -	20,080 0	80,320 0	—	—	20,080 0	80,320 0	20,080 0	80,320 0
GRAND TOTAL -			- -	- -	- -	- -	- -	- -	347,415 11	1,389,662 4

Colonial Secretary's Office, Melbourne,
July 19, 1855.

W. H. WRIGHT,
Secretary of the Gold Department.

No. 3.

RETURN of the AMOUNT of FEES received by the Gold Finance Officer during the Months of May and June 1855, being Remittances on account of Licenses issued on the various Gold Fields of this Colony.

Date.	Where Issued.	Gold.	Value at 80*s.* per Ounce.	Cash.	Total.
1855.		oz. dwts. grs.	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
May -	Castlemaine, Maryborough, &c. -	- -	- -	1,118 0 0	1,118 0 0
June -	Do. do - -	- -	- -	359 0 0	359 0 0
	Total - -	- -	- -	1,477 0 0	1,477 0 0

Colonial Secretary's Office, Melbourne,
July 19, 1855.

W. H. WRIGHT,
Secretary to the Gold Department.

No. 4.

RETURN of the AMOUNT of FEES received at the Gold Offices, Melbourne and Geelong, on private Gold and Cash, transmitted per Escort from the various Gold Fields of this Colony and delivered to the Public during the Months of May and June 1855.

Date.	From whence.	Amount.		
1855.		£	s.	d.
May -	Castlemaine, Maryborough, &c. - - - -	717	17	4
June -	Do. do. - - - -	123	19	3
	Total - - -	£841	16	7

Colonial Secretary's Office, Melbourne,
July 19, 1855.

W. H. WRIGHT,
Secretary to the Gold Department.

No. 5.

RETURN of SALES by TENDER of GOVERNMENT GOLD, during the Months of May and June 1855.

Nil.

Colonial Secretary's Office, Melbourne,
July 19, 1855.

W. H. WRIGHT,
Secretary to the Gold Department.

No. 6.

RETURN of the AMOUNT of FEES received during the Months of May and June 1855 on Gold and Cash deposited in the Gold Offices, Melbourne and Geelong, for a longer period than Thirty Days.

Date	No. of Parcels.	Gold.			Cash.			Fees.		
1855.		ozs.	dwts.	grs.	£	s.	d.	£	s.	d.
May - -	30	634	0	0	230	0	0	42	4	3
June - - -	38	2,638	0	0	52	0	0	89	10	1
Total - -	68	3,272	0	0	282	0	0	131	14	4

Colonial Secretary's Office, Melbourne,
July 19, 1855.

W. H. WRIGHT,
Secretary to the Gold Department.

No. 7.

RETURN of the QUANTITY of GOLD exported from the Colony during the Months of May and June 1855.

Port of Shipment.	May.			June.			Total.		
	ozs.	dwts.	grs.	ozs.	dwts.	grs.	ozs.	dwts.	grs.
Melbourne - - - -	132,715	11	12	235,213	11	12	367,929	3	0
Geelong - - - -	Nil.			Nil.			Nil.		
Total -	132,715	11	12	235,213	11	12	367,929	3	0

Custom House, Melbourne,
July 10, 1855.

HUGH C. E. CHILDERS.

VICTORIA.

No. 8.

RETURN of the AMOUNT of GOLD received at and delivered from the Gold Office, Melbourne, during the Month of May 1855, together with the Balance remaining at the close of that period.

		ozs.	dwts.
Corrected balance on 30th April 1855		7,837	0
Received from Castlemaine, &c.		65,797	11
„ Ballarat, &c.		44,686	15
„ Beechworth, &c.		8,657	10
Total		126,978	16
Delivered to the Public	ozs. 111,289 10		
Transferred for Export	4,221 0		
		115,510	10
Balance on 31st May 1855		11,468	6

Colonial Secretary's Office, Melbourne,
July 19, 1855.

W. H. WRIGHT,
Secretary to the Gold Department.

RETURN of the AMOUNT of GOLD received at and delivered from the Gold Office, Melbourne, during the Month of June 1855, together with the Balance remaining at the close of that period.

		ozs.	dwts.
Balance on 31st May 1855		11,468	6
Received from Castlemaine, &c.		123,287	2
„ Ballarat, &c.		90,149	10
„ Beechworth, &c.		1,422	10
Total		226,327	8
Delivered to the Public	ozs. 131,607 14		
Transferred for Export	6,621 10		
		138,229	4
Balance on 30th June 1855		9,098	4

Colonial Secretary's Office, Melbourne,
July 19, 1855.

W. H. WRIGHT
Secretary to the Gold Department.

Nos. 9 and 10.

[Consisting of RETURNS of Current WAGES and PRICES, being extremely voluminous, are not printed.]

Nos. 11 and 12.

[Consisting of RETURNS of ARRIVALS and DEPARTURES by SEA, and of Vessels in Harbour of Ports of Melbourne and Geelong, being extremely voluminous, are not printed.]

No. 13.

A RETURN of the Disposal of 37 Persons brought before the Criminal Circuit Court, Castlemaine, in the Colony of Victoria, for Trial on the 9th June 1855.

Offence.	Convicted.	Acquitted.	Discharged from Absence of Witnesses.	Remanded to next Session.	Total.
Manslaughter	2	-	1	1	4
Shooting at with intent to murder	-	-	-	1	1
Rape	-	1	-	-	1
Wounding with intent to do grievous bodily harm	1	-	-	-	1
Robbery in company	-	-	13	-	13
Robbery	-	1	-	-	1
Assault in company with intent to rob	-	1	-	-	1
Burglary	-	-	1	-	1
Stealing in a dwelling house to the value of 5*l.*	1	1	2	-	4
Horse stealing	1	1	-	-	2
Forgery and uttering	-	-	-	1	1
Perjury	4	-	-	-	4
Larceny	-	1	-	-	1
Receiving stolen property	1	-	-	-	1
Common assault	-	1	-	-	1
	10	7	17	3	37

SENTENCES.

8 years on the roads of the colony	1
5 do. do.	1
3 do. do.	1
2 do. do.	1
18 months do.	1
3 years imprisonment	3
18 months do.	1
6 do. do.	1
6 weeks do.	1
	11

NOTE.—One prisoner was twice convicted on different informations, and received two sentences, the second to take effect on the expiration of the first; this accounts for the discrepancy between the number convicted and sentenced.

For the Crown Solicitor,
JOSEPH L'ESTRANGE.

No. 14.

RETURN of the estimated Population on the various Gold Fields of this Colony on 23d June 1855.

District.	Men.	Women.	Children.	Total.
Castlemaine	23,050	3,050	4,100	30,200
Maryborough	36,564	7,830	11,790	56,184
Sandhurst	18,200	4,300	4,100	26,600
Ballaarat	20,800	6,100	6,350	33,250
Beechworth	4,030	575	845	5,450
Total	102,644	21,855	27,185	151,684

NOTE.—Of the numbers stated in this Return the following are Chinese:—

District.	Men.	Women.	Children.	Total.
Castlemaine	10,300	-	-	10,300
Maryborough	1,634	-	-	1,634
Sandhurst	5,800	3	2	5,805
Ballaarat	3,700	-	-	3,700
Beechworth	66	-	-	66
Total	21,500	3	2	21,505

Colonial Secretary's Office, Melbourne,
July 19, 1855.

W. H. WRIGHT,
Secretary to the Gold Department.

VICTORIA.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to Governor Sir CHARLES HOTHAM.

(No. 33.)

SIR, Downing Street, July 12, 1855.

* Page 63. I HAVE to acknowledge the receipt of your Despatch, No. 48,* of the 3rd of April last, reporting the acquittal of the remaining prisoners who were tried on a charge of high treason, for having taken part in the outbreak at Ballaarat.

I have no doubt that you acted on a strong sense of duty in causing the trials to be proceeded with under the circumstances which you have described.

I am, &c.

Governor Sir C. Hotham, (Signed) JOHN RUSSELL.
&c. &c. &c.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. Sir GEORGE GREY, Bart., to Governor Sir CHARLES HOTHAM.

(No. 38.)

SIR, Downing Street, November 4, 1855.

* Page 76. I HAVE received your Despatch, No. 94,* of the 17th July last, enclosing various returns connected with the gold fields for the two months ended the 30th June 1855.

I am unwilling that labour should be imposed on the officers of your Government in the preparation of returns which are not strictly necessary, and I think that those Returns which are noted in the accompanying schedule might, without inconvenience, be dispensed with in future.

I have, &c.

Governor Sir C. Hotham, (Signed) G. GREY.
&c. &c. &c.

SCHEDULE.

No. 9. Return of the Rates of Wages and Prices current in Melbourne.
No. 10. Return of the Rates of Wages and Prices current on the various Gold Fields.
No. 11. Return of the Arrivals at and Departures from this Colony by Sea.
No. 12. Return of Vessels in Harbour Ports of Melbourne and Geelong.

LONDON:
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

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FURTHER PAPERS

RELATIVE TO THE

DISCOVERY OF GOLD

IN

AUSTRALIA.

(In continuation of Papers presented February 1856.)

Presented to both Houses of Parliament by Command of Her Majesty,
25th July 1856.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1856.

2438

SCHEDULE.

NEW SOUTH WALES.

DESPATCHES FROM GOVERNOR-GENERAL SIR W. DENISON.

Number in Series.	Date and Number.	SUBJECT.	Page.
1	Nov. 15, 1855 (179) (Extract).	ACTS FOR REGULATING THE MANAGEMENT OF THE GOLD FIELDS. Forwarding the Act No. 20, 19th Victoria, intituled "An Act further to continue for a limited time the 'Act for regulating the management of the Gold Fields'" - -	1
2	Dec. 19, 1855 (196) -	FURTHER REPORTS ON THE GOLD DISTRICTS. Enclosing returns for the quarter ended 30th September of the quantity and value of gold exported, licences issued, &c. - - - GEOLOGICAL AND MINERALOGICAL SURVEY. Transmitting Mr. Stutchbury's Fifteenth Report - - - -	2
3	Feb. 18, 1856 (27) -	FURTHER REPORTS. Enclosing returns for the quarter ended 31st December 1855 - - -	13
4	April 2, 1856 (57) -	Enclosing further Return for the quarter ended 31st December 1855 - - - - -	15

VICTORIA.

DESPATCHES FROM GOVERNOR SIR CHARLES HOTHAM AND ACTING-GOVERNOR MACARTHUR.

1	Sept. 28, 1855 (124)	RETURNS FROM THE GOLD FIELDS. Reports and customary returns, as per Schedule page , for the Months of July and August 1855 - -	18
2	Nov. 21, 1855 (142)	MANAGEMENT OF THE GOLD FIELDS. Reporting the satisfactory results of the reforms and alterations which have been effected - - -	24
3	Nov. 24, 1855 (144)	RETURNS FROM THE GOLD FIELDS. Enclosing reports and usual returns for the months of September and October 1855 - - - -	29
4	Jan. 22, 1856 (14) -	Similar returns for the months of November and December 1855 - - - - - -	34

DESPATCH FROM THE SECRETARY OF STATE.

The Right Hon. H. Labouchere.

1	Mar. 22, 1856 (31) -	MANAGEMENT OF THE GOLD FIELDS. Acknowledging with satisfaction the favourable report of the result of his recent measures - - -	39

FURTHER PAPERS

RELATIVE TO THE

DISCOVERY OF GOLD IN AUSTRALIA.

NEW SOUTH WALES.

Despatches from Governor General Sir W. Denison.

No. 1.

NEW SOUTH WALES.

No. 1.

EXTRACT of DESPATCH from Governor General Sir W. DENISON to the Right Hon. Sir W. MOLESWORTH, dated Government House, Sydney, November 15, 1855, No. 179.

"No. 20. is 'An Act further to continue for a limited time the Act for "regulating the management of the Gold Fields.'"

Enclosure in No. 1.

Encl. in No. 1.

NEW SOUTH WALES.

ANNO DECIMO NONO VICTORIÆ REGINÆ.

By his Excellency Sir WILLIAM THOMAS DENISON, Knight, Governor General in and over all Her Majesty's Colonies of New South Wales, Van Diemen's Land, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of the territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council.

No. XX.

*AN ACT further to continue for a limited time the "Act for regulating the management of the Gold Fields."

Preamble.

16 Vict. No. 43.

17 Vict. No. 23.

WHEREAS the Act of Council passed in the sixteenth year of Her present Majesty's reign, intituled "An Act for regulating the Management of the Gold Fields of New South Wales, and for raising a Revenue therefrom, and for the Preservation of Order therein," and also the Act passed in the seventeenth year of the said reign, intituled "An Act to amend the Act for regulating the Management of the Gold Fields," will expire at the end of the present year, unless continued by the authority of the Governor and Legislative Council: And whereas it is expedient that the same should be continued for a limited period: Be it therefore enacted by his Excellency the Governor of New South Wales, by and with the advice and consent of the Legislative Council thereof, that the said first-mentioned Act, so far as the same does not stand repealed or altered by the said

Acts continued until 31st December 1856, except so far as 16 Vict. No. 42. repealed or altered by 17 Vict. No. 25.

* Her Majesty's Assent to this Act conveyed by Mr. Labouchere's Despatch No. 45., of the 3d April 1856.

NEW SOUTH WALES.

secondly above-mentioned Act, and that the said secondly above-mentioned Act shall continue in force until the end of the year one thousand eight hundred and fifty-six.

Passed the Legislative Council, this 10th day of October 1855.

CHARLES NICHOLSON,
Speaker.

WM. MACPHERSON,
Clerk of the Council.

In the name and on the behalf of Her Majesty, I assent to this Act.

W. DENISON,
Governor General.

Government House,
19th October 1855.

No. 2.

No. 2.

COPY of DESPATCH from Governor General Sir W. DENISON to the Right Hon. Sir W. MOLESWORTH, Bart.

(No. 196.)

Government House, Sydney,
December 19, 1855.
(Received March 24, 1856.)

SIR,

I HAVE the honour to forward herewith the usual Gold Returns for the quarter ending the 30th September 1855.

2. I also forward copies of the Fifteenth Report upon the Geological and Mineralogical Survey by Mr. Stutchbury.

I have, &c.
(Signed) W. DENISON.

The Right Hon.
Sir W. Molesworth, Bart.

Enclosure 1. in No. 2.

NEW SOUTH WALES.

RETURN showing the Quantity and Value of Gold exported, Gold brought to Sydney; and the Number of Licences granted to mine and dig for Gold, to erect temporary Buildings, Tents, &c., and carry on Business in any way at the Gold Fields, &c. &c.; and the Amount received from the same during the Quarter ended 30th September 1855.

Gold exported.		Gold brought to Sydney.				Licences.					Fees on Registration of Claims.	Fees on Transfer of Claims.	Leases to work auriferous Quartz Veins.		Amount of Royalty on Matrix Gold.	For the Conveyance of Gold per Government Escort.	Total Amount received during the Quarter.
						Crown Lands.		Private Lands.									
Quantity.	Value.	From what District.	By the Government Escorts.	By the Post Office Mails.	Total.	To mine and dig. 10s. each monthly.	To erect temporary Buildings for the Purposes of Trade, &c. 10s. each monthly.	To mine and dig. 5s. each monthly.	Total Number of Licences issued.	Total Amount received for Licences.			No.	Amount.			
oz. dwts. grs.	£ s. d.		oz. dwts. grs.	oz. dwts. grs.	oz. dwts. grs.					£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.	£ s. d.
27,864 8 12	90,559 7 7	Western	17,305 12 1	835 0 0	18,140 12 1	7,601	577	56	8,234	4,103 0 0	—	—	1	25 0 0	27 17 10	519 3 5	4,675 1 3
		Southern	4,250 19 4	2,164 0 0	6,414 19 4	1,896	41	707	2,644	1,145 5 0	—	—	—	—	—	127 10 7	1,272 15 7
		Northern	—	1,144 0 0	1,144 0 0	1,310	15	144	1,469	698 10 0	—	—	—	—	—	—	698 10 0
27,864 8 12	90,559 7 7	Totals -	21,556 11 5	4,143 0 0	25,699 11 5	10,807	633	907	12,347	5,946 15 0	—	—	1	25 0 0	27 17 10	646 14 0	6,646 6 10

Colonial Secretary's Office, Sydney,
New South Wales, October 15, 1855.

(Signed) C. D. RIDDELL.
Acting Colonial Secretary.

NEW SOUTH WALES.

GOLD EXPORTED.

Year.	Quantity.			Value.		
	oz.	*dwts.*	*grs.*	*£*	*s.*	*d.*
1851 - -	144,120	17	16	468,336	0	0
1852 - - -	818,751	18	17	2,660,946	0	0
1853 - - -	548,052	19	21	1,781,172	0	0
1854 - - -	237,910	13	23	773,209	0	0
1855 to 30th September -	61,371	11	2	199,457	10	11
Totals - -	*1,810,208	1	7	5,883,120	10	11

* Includes a portion of the gold brought from the neighbouring colony of Victoria, but which cannot be distinguished.

Enclosure 2. in No. 2.

GOLD EXPORTED.

RETURN of the Quantity and Value of Gold exported from the Colonies of New South Wales and Victoria, for the Quarter ended 30th September 1855.

Colony.	To England.	To Callao.	To Calcutta.	To Bombay.	To Singapore.	To Hong Kong.	To New Zealand.	To Adelaide.	To Hobart Town.	To Launceston.	To Sydney.	Total.	Value.
	oz. dwts.	oz. dwts.	oz. dwts.	oz. dwts.	oz. dwts.	oz. dwts.	oz. dwts.	oz. dwts.	oz. dwts.	oz. dwts.	oz. dwts.	oz. dwts.	£ s. d.
New South Wales -	26,758 8	- -	1,106 0	- - -	- - -	- - -	- -	- - -	- -	- -	- - -	27,864 8	90,559 7 7½
Victoria -	689,413 0	9 5	13,500 13	3,129 10	1,339 10	22,761 15	22 3	2,143 4	34 3	61 6	13,132 1	745,456 10	2,982,186 0 0
Totals	716,171 8	9 5	14,606 13	3,129 10	1,339 10	22,761 15	22 3	2,143 4	34 3	61 6	13,132 1	773,320 18	3,072,745 7 7½
Estimated net Quantity and Value of Gold exported from both Colonies from 29th May 1851 to 30th June 1855 - - - - - - - - -												9,661,423 10	34,874,477 2 8½
GRAND TOTAL - -												10,434,744 8	37,947,222 10 4

Colonial Secretary's Office, Sydney,
New South Wales, December 17, 1855.

C. D. RIDDELL,
Acting Colonial Secretary.

NEW SOUTH WALES.

Encl. 3. in No. 2.

Enclosure 3. in No. 2.

GEOLOGICAL AND MINERALOGICAL SURVEYS.

The Geological and Mineralogical Surveyor to the Colonial Secretary.

Geological and Mineralogical Survey Camp,
Auckland Creek, near Gladstone, Port Curtis,
January 1855.

Sir,

I do myself the honour to inclose herewith, for the information of his Excellency the Governor General, my Fifteenth Report upon the Geological and Mineralogical Structure of the Colony of New South Wales, and which would have been sent in earlier had I had an opportunity for its safe transmission.

The map which should accompany my report is unavoidably delayed, in consequence of the paucity of information afforded in that obtained at Brisbane, and the necessity for compiling and filling in such information as I have been able to gather from my traverses, and from the time occupied in the journey from Wide Bay to Port Curtis, through a country of which nothing was known.*

I take this opportunity of expressing my thanks for the service rendered by Lieutenant Murray, commanding the native police, by his prompt attention to my requests, and to Mr. Sergeant Humphrey, for his vigilance while in charge of the escort which accompanied my party to Port Curtis, without whose assistance (together with that of the native police under his orders), in checking a premeditated attack by the aborigines, I have no doubt my party would have been seriously imperilled.

I have, &c.
S. Stutchbury.

FIFTEENTH REPORT.

Pursuing a general northerly course, in sequence of my Fourteenth Report, I found the neighbourhood of Kilcoy to consist of altered sandstone, metamorphic schists, talcose slates, porphyry, and whinstone; the latter rocks constituting the principal features; the former detached and of limited extent.

Leaving Kilcoy Creek, and proceeding in a westerly direction, porphyry ridges are met with for two miles, until interrupted by an intrusion of trap, half a mile in breadth, crossing which the porphyry extends to the range which divides the waters of Kilcoy Creek from the Brisbane River. Descending this range, which is also of porphyry, some fine water holes or lagoons are met with, evidently springs; the banks are composed of a conglomerate of porphyritic pebbles, cemented by calc tuff, and resting upon porphyry; these springs have much the appearance of those observed on the Darling Downs, the banks being abrupt, and the soil containing nodules of travertin.

Tracing the dividing range south-easterly towards Coongabah (Bigge's), the porphyry extends for five miles, gradually becoming granite as it approaches the ranges bearing north-west from Mount Brisbane; the north-western portion of this range is composed entirely of porphyry; the minor features at the head of Kilcoy Creek and the country to the eastward being granite, similar to that described in my last report (No. 14), as occurring in the neighbourhood of Durandur.

Leaving the springs, I proceeded west six miles, the porphyry still prevailing, and in many instances containing augite; here, as well as in the localities before mentioned, the porphyry is very beautiful, and assumes various modifications. The following will illustrate a few of the varieties obtained:—

Cream coloured felspar, in a greenish brown base.
Cream coloured felspar, with green felspar and pellucid quartz, in a maroon base.
Cream coloured felspar and hornblende in a brown base.
Augite porphyry.

South of my route, a rugged porphyry range extends westerly from the main range between Kilcoy Creek and the Brisbane River.

Following down Lagoon Creek, the porphyries give place to sandstone and conglomerate (the latter containing pebbles of jasper and trap rock, probably of more recent origin than the conglomerate of the coal measures), which extends south-easterly along the north bank of the River Brisbane.

West and south-west from Colinton (Balfour), true coal measure sandstone and conglomerate of considerable extent were observed.

In Balfour's Creek the coal measures bear north fifty degrees west, dip north seventy degrees east, angle sixty degrees; here the coal measures consist of shales and beds of conglomerate, the latter in angulo-globular masses from twelve to eighteen inches square; the desquamated parts having reunited where exposed, renders the appearance much like masonry. The sandstone of the hills in this neighbourhood contain agates, porphyry with clevelandite, and trap; the sandstone is highly altered.

---

* Which map has been subsequently sent in.

Six miles south sixty degrees west from Colinton, there is a syenite ridge, on the south-east side of Balfour's Creek, as well as on the opposite side, containing thin veins of ruby coloured titaniferous micaceous iron; the syenite penetrates the coal measures.

East of the range which divides Balfour's Creek from Jeromeo Creek, the coal measures are seen to advantage, traversed by dykes of porphyry, which give rise to dislocations. The shales afford numerous fossil plants, some so perfect that specimens of the several kinds could be detached separately from the mass containing them. These coal measures extend northerly along the south bank of the Brisbane to four miles above the junction of Cooyar Creek with that river.

The tributaries of Balfour's Creek contain fragments of granite similar to that of Mount Brisbane, evidently derived from the granite ranges at its source.

Crossing the range between Balfour's and Jeromeo Creeks, the sandstone and shales still continue; the latter, at an elevation of eight hundred feet, contains similar fossils to those observed in the bed of the creek. Here granite ranges, extending southerly and westerly to Jeromeo Creek, penetrate the coal measures.

Near Jeromeo (Scott's), the granite stands out in large blocks, and is composed of fine semi-crystalline quartz and black mica, therefore a binary compound. The granite extends north-easterly for four miles, penetrating the coal measures, which latter continue to four miles above the junction of Jeromeo Creek with the Brisbane River, with the exception of an isolated granite mountain, two miles west from the junction.

Crossing Jeromeo Creek the granite extends south-westerly between it and Cooyar Creek towards Craig's Range.

Crossed Cooyar Creek with great difficulty, the sides and bed of the creek being composed wholly of large blocks (masses) of granite, rendering the passage extremely hazardous. The upper part of the creek is crossed by walls of granite, traversed by dykes of greenstone and veins of fine-grained granite. About half a mile north of the creek there is porphyry (white felspar, hornblende, and pistazite in a red compact felspar base).

The country to the south-west, between Cooyar and Boorambah Creeks, towards Craig's Range, is wholly granite similar to that at Jeromeo; westerly, granite to Boorambah Creek, with occasional bosses of trap and porphyry; north-west, near the crossing of Cooyar Creek, porphyry traversed by greenstone dykes occurs for five miles in length and four in breadth, and is flanked on all sides by granite ranges, also exhibiting bosses of porphyry; north-easterly the granite is flanked by the coal measures previously alluded to as occurring north-east from Jeromeo.

Six miles north-west from the crossing of Cooyar Creek I came to Yarraman Creek, the bed of which is one solid mass of gray granite, and extends to the ranges which divide the waters of the Brisbane from those of the Burnett. Descending this range I passed a small creek falling into Boorambah Creek; the granite at this place contains large crystals of felspar (orthoclase). In the creek there is a wall or dyke of compact gray granite, containing sporadic pyrites; patches of porphyry are occasionally met with. From thence north to a creek within three miles of Borthwick's Station on Boorambah Creek granite still prevails. The earth washed in the creeks contains garnets and opaque tourmalines. I may observe that the bed of this creek is in some places higher than the adjacent lands.

East from Goode's "Burnett Inn," the ridges are composed of jasperized slate, flanked on the north and south by granite ridges, in the alluvium of which there are masses of bog iron; west from Goode's to and across Boorambah Creek the ranges are of granite, and extend to within eight miles of a deserted station on the west bank of Boorambah Creek, formerly held by a person named Corfield, flanked by a tongue of highly ferruginous sandstone extending northerly.

Four miles north from Goode's, bog iron is again seen, succeeded by semi-jasperized slate; this gives place to sandstone to the crossing of Boorambah Creek, near Corfield's deserted station.

From thence east the sandstone continues for six miles to the granite range between the Brisbane and Burnett Rivers, and trends southerly between the main range and the schists; the spur which divides Ghinrain Creek from Boorambah Creek is porphyry, on the western side of which sandstone reposes.

Crossing Boorambah Creek sandstone is still continued (the ridges being of conglomerate, with numerous jasper pebbles,) to within four miles of Baramba, a station of Messrs. Ferriter and Jones, near the junction of Ghinrain Creek with Booyunbah Creek; here the sandstone gives place to porphyry with small bosses of granite.

Leaving Baramba, passed Booyunbah Creek, and traced down Bonera Creek. As far as Bonera, a very considerable extent of porphyry is met with; the beds of some of the small tributaries as well as the ranges are composed of porphyritic conglomerate. At Bonera bog iron and jaspers are plentiful.

The aspect of the country reminded me forcibly of Darling Downs; large flats encompassed by low ranges. The water-holes in the flats are also similar to those on the Downs. The banks being of black earth, the substratum rubble contains much tufaceous matter; unios and melaniæ similar to those associated with the fossil bones on the Downs are also plentiful.

Pursuing a north-easterly course from Bonera, the porphyries are still in force, intersected at a distance of two miles by trap ranges of slight elevation, with fragments of jasper and chalcedony. This is succeeded by chert, in breadth one mile; at eight miles conglomerate

NEW SOUTH WALES.

sandstone with jasper, porphyry and quartz pebbles, resting upon altered sandstone, which skirts a range dividing two tributaries of Bonera Creek. At nine miles there is a range of trap and porphyry. Descending with the northern slopes present sandstone to Bayubajon (Lawles's), similar to that described as occurring on the southern side of the range, with this difference, that the latter contains masses of reniform iron ore; the higher ranges are composed of porphyry. This part of the country is of the highest pastoral character, and is well watered.

Leaving Bayubajon, and tracing up a tributary of Bonera Creek for three miles in a direction north sixty degrees east, the country is conglomerate sandstone and chert, skirting porphyry, and trap ridges to the east.

On a range at the head of this tributary there is much limestone with thick beds of sparry iron ore (carbonate of iron). These ranges are composed in descending order of conglomerate, sandstone, limestone, and carbonate of iron, the whole intersected by veins of bright greenstone. This gives place to extensive porphyry ridges on the north-west and north-easterly, to the range which divides the waters of the Mary from those of the Burnett. Ascending the dividing range conglomerate may be seen in the gullies and flat land at its base, the main range as well as the ridges being porphyry, with small mounds of augite porphyry and trap ridges, with jasper agates and chert, followed by clay-slates one and a half miles in breadth. To the north-east and south-west the ranges are composed of fine red jasper variegated with white quartz, having a breadth of five miles, with ranges of porphyry and trap to the north-west and south-east, which at their north-eastern extremities penetrate the coal measure sandstones of the Wide Bay District.

By taking a course north sixty degrees east, at two miles came to the head of the Munna Rivulet, a tributary of the Mary, where jasper and semi-jasperized slates abound, continuing to Gegooman; here there is black limestone of a hard marble character, resting upon slate with epitode (no fossils were observed).

From Gegoomgan (Anderson's), south seventy-six degrees east, crossing the Munna, the limestone continued for several miles, extending south-easterly and north-westerly to the porphyry ridges before alluded to. This (the limestone) is followed by bands of schistose rocks and limestones for two miles, interrupted by an intrusion of granite. From thence to Sandy Creek the country is flat, apparently the dry bed of a lagoon, filled in by a black vegetable soil, not as in the case of the great plains, where the black soil is of trappean origin.

From Sandy Creek, on a course north thirty-five degrees east, large rounded masses of jasper are met with, followed by red friable sandstone. In many places the limestone upon which it rests is exposed to view. Several belts of porphyry penetrate the sandstone, which bears north thirty-eight degrees east, and continues until reaching the foot of another porphyry range, in descending which there was trap, with bright red jasper.

North thirty-seven degrees east there is sandstone for two miles and a half, bearing north thirty degrees west, traversed by dykes of hornblende porphyry, bearing north ten degrees east. At four and five miles similar dykes were observed. At seven and a half miles numerous bands of porphyry occur, penetrating the sandstone, their bearing varying from five to ten degrees east of north.

Thence north sixty degrees east sandstone for three miles, including a dyke of whinstone one quarter of a mile in breadth, bearing north-west; then altered sandstone. Irregular masses of granite are occasionally met with, laid bare where denuded of the super-imposed sandstone by decomposition. To this succeeds low whinstone ridges having a breadth of five miles, followed by sandstone with porphyry, the former dipping to the south-east, and continues to Six-mile Creek.

From the Six-mile Creek sandstone continues uninterruptedly to Maryborough; that within one mile of the township being variegated (red and white).

The sandstone and conglomerate near Maryborough repose upon coal shales, exhibited three miles down the river from Mr. Uhr's boiling-down establishment, dipping south-westerly at an angle of fifteen degrees, the superstratum being a variegated indurated clay. This, as well as the sandstone, which is of a reddish colour, contains fossil shells.

Fossil shells from Sandstone Quarry, Maryborough, consisting of the following genera, several species of a genus, and several duplicates of a species.

Astartila cytherea, and other species.
Astarte.
Cardinia of Agassiz, pachyodon of Stutchbury.
Cardinia recta, and other species.
Cardium.
Eurydesma.
Homomya glendonensis, and two other species.
Mæonia, several species.
Modiola.
Nucula.
Pachydomus.
Pecten, several species.

Nodules of iron ore are abundant.

Anxious to examine the river Mary to its mouth, I procured a whale boat from Mr. Assistant Surveyor Buchanan for that purpose, and traced the river for a distance of

17 miles, as far as the Beaver Rocks.* The banks of the river are, for the most part, covered with dense mangrove scrubs, the strata rarely exposed, but where met with consist of conglomerate and ferruginous sandstones (true coal measures). On the south bank of the Mary red friable sandstone, the superstratum yellow clay; but both above and below this place the river presents nothing but mud and sand banks, the former composed of blue tenaceous clay. One mile east (down the river) from the last-mentioned sandstone are the Beaver Rocks, said to be the greatest obstacle to the navigation of the river Mary. These rocks are formed of conglomerate containing jasper and quartz pebbles. Impure coal and coal shales were also observed on the rocks and in the neighbourhood.

Tinana creek falls into the Mary River four miles below Maryborough; its banks, as far as observed, being of a similar sandstone to that so largely developed in the Mary district, with the exception of four bars or falls which cross it in the course of its tideway, a distance of nine miles; the first bar being of shingle, the remaining three of hard whinstone. The upper fall, which divides the tideway from the permanent fresh water of the creek, is about half a mile in extent.

Further, I have no doubt but that visible outcrops of coal may be discovered on the head of the Mary.

I much regret that I was unable, at this time, to examine the river more thoroughly, as the boat used for this purpose was so leaky that one man's continued labour was necessary to keep her afloat, and I could not succeed in getting another.

The following route is deduced from the note book of my assistant, Mr. Charles W. Birch, whom I was obliged, in consequence of severe illness, to put in charge of the party, with instructions to proceed to Port Curtis, myself taking advantage of a passage from Wide Bay to Port Curtis, in the government chartered schooner Tom Tough, which gave me the opportunity of examining the islands, &c. of both bays. I hope to have the opportunity of testing the correctness of his observations upon my return journey.

Leaving Maryborough, en route for Port Curtis, I proceeded north-easterly for twelve miles, to a creek known as Graham's Creek, the country a loose sandy soil; the rock. where exposed, is variegated (red and white) like that in the neighbourhood of Maryborough, and continues towards the coast.

From this creek the sandstone continues for nine miles, and bears north sixty west, with little or no dip, and extends east to the sea coast, and west to the ranges which divide the Burnett from the Mary. To the north-west the sandstone is penetrated by trap and syenite ridges, to within three miles of Twenty-five-mile or Stoney Creek. From this creek to Musket Flat the rock is fine grained granite, containing pistazite, and extends easterly towards the sandstone on the sea coast, and northerly along the foot of the dividing range between the Burnett and the Mary Rivers.

Ascending this range, the slates repose on the granite, and continue across to the foot thereof, where it is flanked by sandstone, bearing north 15 degrees west, dipping east. This sandstone extends southerly, and crossing the range south-westerly connects itself with that at the head of the Mary. West the sandstone extends to Agnesvale, Broom's station; here there is an intrusion of porphyritic granite, gradually losing its porphyritic character until it passes into fine grained granite, and extends south-west and west to a considerable distance, the water-courses containing little else than decomposed granite.

From Agnesvale north, eighty degrees west, at a distance of three quarters of a mile, there is a stony creek, the sandstone of which bears north thirty degrees west, and extends for four miles, the latter half being altered by the intrusion of granite, and south and west by granite and micaceous schists. The latter bear north twenty degrees west, and dip at an angle of twelve degrees, and continues for five miles bounded on the south and west by granite ranges from the northern boundary of the schists to Sandy Creek, a distance of five miles, granite (quartz, felspar, and black mica), the rock being much decomposed.

From Sandy Creek north thirty degrees west granite for two miles, then north sixty degrees west sandstone and shales for one mile to a small creek; beyond this creek the sandstone gives place to slates bearing north twenty degrees west, then north twenty-five degrees west the schists continue with the same bearing and dip for four miles; here the schists bear north seventy degrees east, dip south twenty degrees west, angle twelve degrees.

North thirty degrees west for three miles the rock is a hard siliceous clay slate; then north for five miles over a rugged range with numerous deep ravines the country consists of whinstone, the gullies containing slates. It is evident that the pyrogenous rocks have penetrated the schists, as they present numerous dislocations and alterations of bearing and dip. The schists are here hidden by a coarse conglomerate, containing boulders of quartz and jasper imbedded in ferruginous sandstone, and continues to the Burnett River near Wallah (Thompson's). The bed of the river is of basaltic whinstone, the prisms in many instances very perfect, and upon this immediately rests the sandstone, evidently younger than the basalt.

Half a mile west from Wallah there is a dyke of basaltic whinstone four hundred yards in breadth; this bears south, eighty degrees east, superimposed upon which there is broken

* A vessel named the "Beaver" went ashore there.

NEW SOUTH WALES.

trap, containing crystals of olivine, extending for two miles across low ridges bearing north-west and south-east, bounded on the south-west by granite hills, on the summits of which there is sandstone conglomerate much weather-worn.

Westerly the trap and granite is flanked by chlorite slates bearing due north, dip east at an angle of fifteen degrees, with little or no quartz. These give place to talcose slates bearing north thirty degrees east and north twenty degrees east, dip fifteen degrees north-westerly, with numerous quartz dykes from six inches to three feet wide. I have little doubt but that gold in small quantities might here have been found, but the want of water deprived us of the opportunity of testing it. These schists occur six miles south-west and by west from Wallah, and extend north-westerly, having sandstone on the north-east side. They are intersected by trap dykes, in the interstices of which much travertin has been formed by the percolation of water containing an excess of calcareous matter.

The ranges to the south-west are composed of compact red granite, and extend west towards Coonebra and Mt. Perry. Following up Wallah Creek to near its source, small water-holes were observed under high cliffs of granite. At this, the only water, I washed for gold and gems, but was unsuccessful in my endeavours to find either. I may here add that the whole of the granite that came under my observation had a columnar jointed structure, the planes of the joints coinciding with the planes of the dip of the schists.

The sandstone of the Burnett, which bears north twenty degree east (as far as examined), confines itself to a comparatively narrow margin on either side of the river. I was informed that small portions of coal had been found loose in the bed of the river.

Leaving the Burnett, I proceeded to examine Gin Gin or Foster's Creek, the whole distance being sandstone and sandstone conglomerate, the schists from Wallah encircling it, and bounding it on the west and north-west.

At Foster's Creek near Gin Gin the sandstone is succeeded by talcose schists, which three miles up the creek bear north thirty degrees west, dip north sixty degrees east, angle fifteen degrees. In this creek found gold and small rubies, chrysolite and tourmalines, the former very minute. These schists are surmounted by sandstone conglomerate, much weather-worn. From Gin Gin the schists extend westerly and north-easterly.

Crossing the broad bed of the Gin Gin Creek, the schists bear north forty-five degrees west, dip north thirty-five degrees east, angle eight degrees, and continue for one mile in a direction north twenty degrees west. Here there is an intrusion of porphyritic granite of limited extent. South from the granite there is a dyke of quartz bearing north ten degrees west for two miles, followed by trap ridges containing olivine; these are succeeded by schists bearing north forty-five degrees west, and continue to a creek at the foot of the range which divides the Callan River from the Gin Gin Creek. Ascending the range, chlorite in a granular form occurs, continuing to within one mile of the Callan, the remainder being decomposed slate traversed by quartz rock of a dirty yellow colour. The beds of the ravines and tributaries of this river, where exposed, are of whinstone.

Leaving the Callan at Monduran (Landsborough's) on a general course north four degrees west, the north bank presents a conglomerate composed of quartz and jasper boulders for little more than one mile in breadth, followed by clay slates resting upon basaltic whinstone, as shown in a small creek that distance from the crossing place of the Callan, and continues for half a mile further, giving place to jasperized slates for two miles and one quarter, then clay slates for one quarter of a mile bearing north twenty-five degrees west, dip south-westerly, angle twelve degrees. For two miles and a half jasperized slate succeeded by mica slate one-eighth of a mile in breadth; this is followed by binary granite (quartz and felspar) for one mile; then quartz and indurated clay slates for one furlong to the foot of the range which separates the waters of the Callan from Baffle Creek. This range is composed of granite with much quartz. Descending the range clay slates and decomposed granite is met with, to the Twelve-and-a-half-mile Creek. From this place there was no water for nine miles, therefore could not wash for gold.

From Twelve-and-a-half-mile Creek, clay slates continue for one mile, those to the north much altered, being penetrated by numerous bosses of whinstone. In a small creek two miles north from Twelve-and-a-half-mile Creek blue slates are met with, bearing north forty degrees east, dip south seventy degrees west, angle twenty degrees. Superimposed upon these slates there is a modern conglomerate of quartz and slates cemented by felspar derived from the decomposed granite to the westward; this is followed by granite and slates for one mile, the latter bearing north thirty degrees east, dip north-west. To the east and west of these there are high granite ranges, then for two miles the schists bear north forty-five degrees east, dip westerly. Superimposed upon these schists there is a conglomerate similar to that before alluded to; granite with veins of quartz, much felspar, and but little mica succeeds the schists, and has a breadth of one mile, then altered slates for one mile, silicious slates for three and a half miles, jasperized slates for one and a half miles to a creek, the bed of which exhibited whinstone with much tufaceous matter. Crossing this creek jasperized slates prevail for three miles, and give place to an intrusion of trap rock at Rosedale (Little's), the last station between Wide Bay and Port Curtis.

From Rosedale, trap rock extends south-westerly along the south bank of Baffle Creek; the south-western extremity of the trap is bounded by rugged granite ranges extending for a considerable distance to the westward. To the north-east from Rosedale, sandstone skirts both the trap and the schists, and extends to the sea coast.

The bed of Baffle Creek is decomposed trap, the joints or fractures filled in by veins of

tufaceous matter. Following down the northern bank, granite presents itself, intersected by dykes of trap rock, the interstices at the junction being made good by small veins of smaragdite. From thence north to Mount Maria the country passed over was of granite, flanked on the east by sandstone.

Leaving Baffle Creek (course north twenty-eight degrees west), for six miles and one quarter granite ridges, upon which there is in many instances superimposed a conglomerate composed of quartz and slate.

Then north forty-three degrees west the granite continues for five miles further to a deep creek. On the opposite side clay slates are met with for one quarter of a mile, and bear south sixty degrees west. Here a narrow tongue of sandstone bays up from the coast, and is succeeded by altered slates three-quarters of a mile in breadth.

North seventy-five degrees west two and one quarter miles to the crossing of a creek the granite is porphyritic, and gives place to true granite for eight miles on the opposite side (quartz, flesh-coloured felspar, and black mica). To the east there are high granite ranges; the granite is jointed; the strike of the joints north fifty degrees west, the basal planes dipping at an angle of seven degrees.

Thence north forty-five degrees west for four and one quarter miles the country passed over was porphyry, bounded on the east and west by granite ranges. The granite of these ranges is in large angular masses.

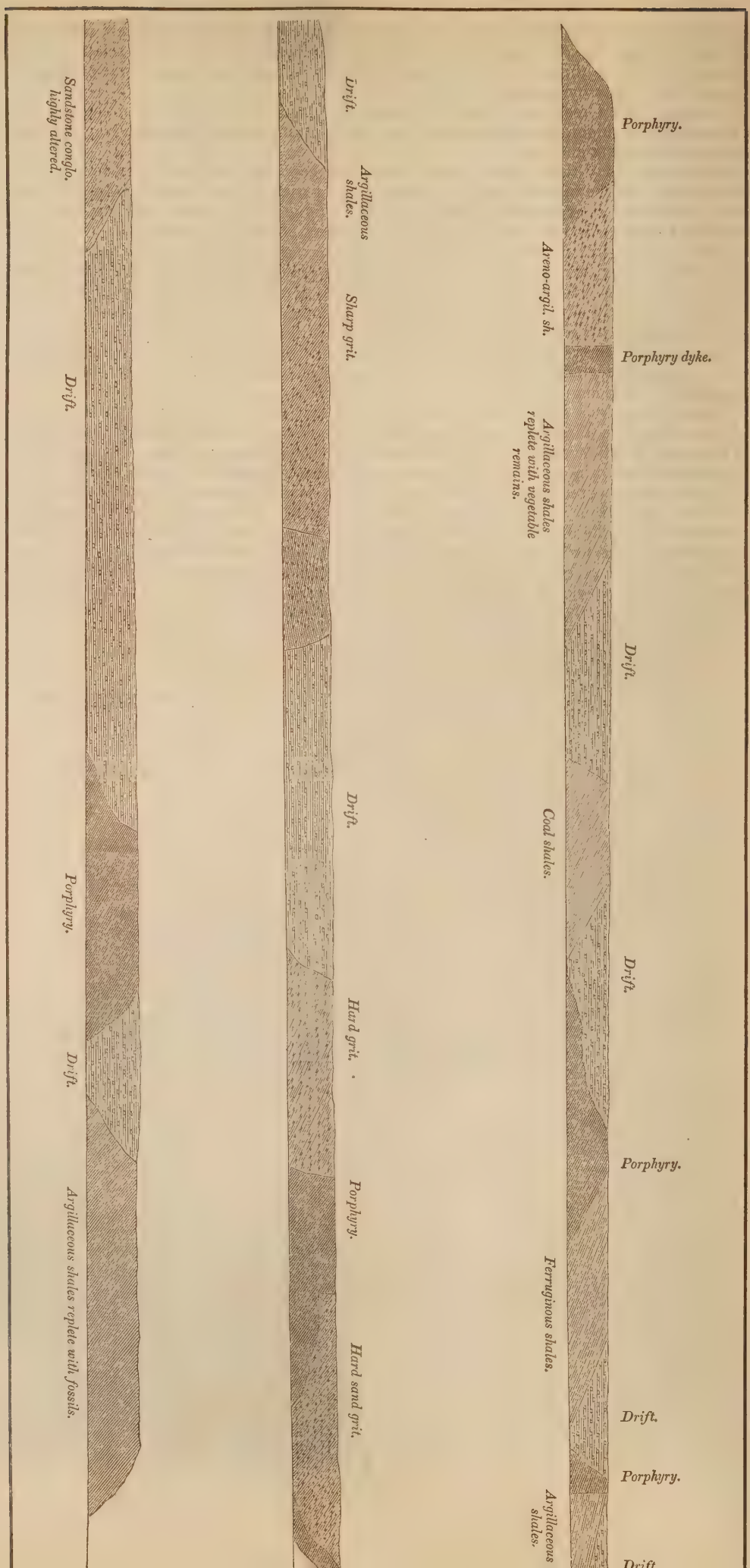
Upon a branch of Baffle Creek semi-jasperized clay slate was met with for a distance of two miles in a direction north eighty-five degrees west (at this point we came upon O'Connell's Road), succeeded by a considerable tract of sandstone country thirteen and a half miles in breadth, extending to the coast from Shoal Lagoon north-westerly.

North twenty degrees west for two furlongs the sandstone becomes altered. At this place there is a spur from the main range three and a half miles across, the rock syenite, traversed by a dyke of quartz bearing north sixty degrees west. The syenite gives place to quartzose rock for little more than one mile, altered sandstone succeeding for three quarters of a mile, then syenite ridges for six and one-half miles, extending westerly to the granite ranges previously described. North-westerly the syenite is flanked by semi-jasperized clay slate, penetrated by small bosses of syenite. From thence to the southern bank of the Boyne River the country is schistose, extending south-westerly.

The description of the islands in Wide Bay and the Port Curtis country and bay north of the Boyne River will form the subject matter of my next Report.

S. STUTCHBURY.

NEW SOUTH WALES.



Sandstone and Conglomerate
Limestone (palæozoic)
Metamorphic rocks including mica chlorite
Hornblende, greenstone and clay slate, compact,
Felspar, quartz rock & all stratified.
Basalt, Porphyry &c.
Granite, Syenite &c.
Localities where gold has been found

NEW SOUTH WALES.

No. 3.

No. 3.

Copy of DESPATCH from Governor General Sir W. Denison to the Right Hon. Sir George Grey, Bart.

(No. 27.)

Government House, Sydney,
February 18, 1856.

(Received May 14, 1856.)

Sir,

I do myself the honour to transmit returns of gold exported and licences issued for the quarter ending 31st December 1855.

I have, &c.
(Signed) W. DENISON.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

Enclosure in No. 3.

New South Wales.

Return showing the Quantity and Value of Gold exported, Gold brought to Sydney; and the Number of Licences granted to mine and dig for Gold, to erect temporary Buildings, Tents, &c., and carry on Business in any way at the Gold Fields, &c. &c., and the Amount received from the same during the Quarter ended 31st December 1855.

Gold exported.		Gold brought to Sidney,				Licences.												
						Crown Lands.		Private Lands.					Leases to work auriferous Quartz Veins.					
Quantity.	Value.	From what District.	By the Government Escorts.	By the Post Office Mails.	Total.	To mine and dig. 10s. each monthly.	To erect temporary Buildings for the Purposes of Trade, &c. 10s. each monthly.	To mine and dig. 5s. each monthly.	Total Number of Licences issued.	Total Amount received for Licences.	Fees on Registration of Claims.	Fees on Transfer of Claims.	No.	Amount.	Amount of Royalty on Matrix Gold.	For the Conveyance of Gold per Government Escort.	Total Amount received during the Quarter.
oz. dwts. grs.	£ s. d.		oz. dwts. grs.	oz. dwts. grs.	oz. dwts. grs.					£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.	£ s. d.
3,013 3 1	9,792 14 10	Western	17,108 19 2	1,511 0 0	18,619 19 2	7,665	611	50	8,326	4,150 10 0	—	1 10 0	–	—	30 16 4	513 5 6	4,696 1 10
		Southern	5,349 19 8	3,196 0 0	8,545 19 8	2,193	59	663	2,915	1,291 15 0	—	0 10 0	–	—	—	160 10 0	1,452 15 0
		Northern	—	1,054 0 0	1,054 0 0	1,327	21	24	1,372	680 0 0	—	—	–	—	—	—	680 0 0
3,013 3 1	9,792 14 10	Totals -	22,458 18 10	5,761 0 0	28,219 18 10	11,185	691	737	12,613	6,122 5 0	—	2 0 0	–	—	30 16 4	673 15 6	6,828 16 10

Colonial Secretary's Office, Sydney,
New South Wales, February 14, 1856.

C. Deas Thomson,
Colonial Secretary.

GOLD EXPORTED.

Year.	Quantity.			Value.		
	oz.	*dwts.*	*grs.*	£	*s.*	*d.*
1851 - - -	144,120	17	16	468,336	0	0
1852 - - -	818,751	18	17	2,660,946	0	0
1853 - - -	548,052	19	21	1,781,172	0	0
1854 - - -	237,910	13	23	773,209	0	0
1855 - - -	64,384	14	3	209,250	0	0
Totals - -	*1,813,221	4	8	5,892,913	0	0

* Includes a portion of the gold brought from the neighbouring colony of Victoria, but which cannot be distinguished.

No. 4.

No. 4.

COPY of DESPATCH from Governor General Sir W. DENISON to the Right Hon. H. LABOUCHERE.

(No. 57.)

Government House, Sydney,
April 2, 1856.
(Received July 17, 1856.)

SIR,

I HAVE the honour to forward herewith the usual gold returns for the quarter ended on 31st December 1855.

I have, &c.
(Signed) W. DENISON.

The Right Hon. H. Labouchere,
&c. &c. &c.

Enclosure in No. 4.

GOLD EXPORTED.

Return of the Quantity and Value of Gold exported from the Colonies of New South Wales and Victoria for the Quarter ended 31st December 1855.

Colony.	To England.	To New York.	To India (including Bombay, Calcutta, Ceylon, and Singapore).	To China (including Hong Kong, Macao, and Shanghae).	To Mauritius.	To Manilla, Valparaiso, Batavia, Guam (the latter chiefly).	To Adelaide, South Australia.	To Hobart Town and Launceston, Tasmania.	To New Zealand.	To Western Australia.	To Sydney, New South Wales.	Total.	Value.
	oz. dwts. grs.	*oz. dwts.*	*oz. dwts. grs.*	*oz. dwts.*	*oz dwts.*	*oz. dwts.*	*oz. dwts.*	*oz. dwts.*	*oz. dwts.*	*oz. dwts.*	*oz. dwts.*	*oz. dwts. grs.*	*£ s. d.*
Victoria -	528,637 0 12	1,478 1	35,634 10 0	53,564 9	184 10	5,786 8	485 7	326 4	5 0	17 12	134,790 19	760,910 0 12	3,038,636 0 0
New South Wales -	1,629 10 0	- - -	1,383 13 1	- -	- -	- -	- -	- -	- -	- -	- - -	3,013 3 1	9,792 14 10
Totals	530,266 10 12	1,478 1	37,018 3 1	53,564 9	184 10	5,786 8	485 7	326 4	5 0	17 12	134,790 19	763,923 3 13	3,048,428 14 10
Estimated net Quantity and Value of Gold exported from both Colonies from 29th May 1851 to 30th September 1855 - - - - - - -												10,434,744 8 0	37,947,222 10 4
GRAND TOTAL - -												11,198,667 11 13	40,995,651 5 2

Colonial Secretary's Office, Sydney,
New South Wales, March 18, 1856.

E. DEAS THOMSON,
Colonial Secretary.

VICTORIA.

VICTORIA.

Despatches from Governor Sir C. Hotham and Acting Governor Macarthur.

No. 1.

No. 1.

COPY of DESPATCH from Governor Sir C. HOTHAM to the Right Hon. Lord JOHN RUSSELL.

(No. 124.)

Toorac, near Melbourne,
September 28, 1855.

(Received December 9, 1855.)

MY LORD,

I HAVE the honour to transmit the usual returns from the Gold Fields for the two months ended 31st August 1855.

I have, &c.
(Signed) CHAS. HOTHAM.

The Right Hon. Lord John Russell,
&c. &c. &c.

GOLD RETURNS contained in the Governor's Despatch, No. 124, of date 28th September 1855.

July and August 1855.

No. 1.—Return of the Number of Licences issued at the various Gold Fields of this Colony.
No. 2.—Return of Amount and Value of Gold transmitted by Government Escort from the various Workings.
No. 3.—Return of the Amount received as Fees for Licences issued.
No. 4.—Return of the Amount received as Fees for the Escort of Gold.
No. 5.—Return of Sales by Tender of Government Gold.
No. 6.—Return of the Amount received as Fees for the Custody of Gold and Cash.
No. 7.—Return of Gold exported.
No. 8.—Return of the Receipt and Delivery of Gold forwarded by the Government Escorts.
No. 9.—Return of the Rates of Wages and Prices Current in the various Gold Fields.*
No. 10.—Return of the Rates of Wages and Prices Current in Melbourne.*
No. 11.—Return of the Arrivals at and the Departures from this Colony by Sea.*
No. 12.—Return of Vessels in Harbour, Ports of Melbourne and Geelong.*
No. 13.—Return of Cases brought before the Circuit Court held at Castlemaine on the 9th August.
No. 14.—Return of the Estimated Population on the various Gold Fields.
No. 15.—Return of Civil, Military, and Police Force.*

* These Returns, being very voluminous, are not printed.

Encl. 1. in No. 1.

No. 1.

Gold Department.

RETURN of Miners' Rights and Business Licences issued on the various Gold Fields of this Colony during the Months of July and August 1855.

District.	July 1855.				August 1855.			
	Miners' Rights.	Business Licences.			Miners' Rights.	Business Licences.		
	For 12 Months at 1*l.*	For 3 Months at 2*l.* 10*s.*	For 6 Months at 5*l.*	For 12 Months at 10*l.*	For 12 Months at 1*l.*	For 3 Months at 2*l.* 10*s.*	For 6 Months at 5*l.*	For 12 Months at 10*l.*
Ballaarat - -	5,862	607	48	9	3,239	240	12	6
Castlemaine -	9,537	554	40	38	1,606	231	8	6
Avoca - -	3,092	444	6	3	1,682	109	2	—
Sandhurst - -	6,175	66	14	29	948	87	6	16
Beechworth -	1,892	145	18	21	300	63	7	8
Total -	26,558	1,816	126	100	7,775	730	35	36

REMARKS.—In addition to the numbers stated in this return, twelve Miners' Rights and one Quarterly Business Licence were issued in Melbourne during the months of July and August.

Colonial Secretary's Office, Melbourne,
September 28, 1855.

W. H. WRIGHT,
Secretary to the Gold Department.

No. 2.

RETURN of the Number of Leases issued on the various Gold Fields of this Colony, together with the Extent leased, and the Amount received in Payment, during the Months of July and August 1855.

DISTRICT.	July 1855.						August 1855.					
	Number upon which a Deposit of 25 per Cent. only has been made.	Number upon which the full Payment has been made.	Alluvial Lands. Unworked. Extent leased.	Alluvial Lands. Worked or abandoned. Extent leased.	Quartz Veins. Extent leased	Amount received.	Number upon which a Deposit of 25 per Cent. only has been made.	Number upon which the full Payment has been made.	Alluvial Lands. Unworked. Extent leased.	Alluvial Lands. Worked or abandoned. Extent leased.	Quartz Veins. Extent leased.	Amount received.
			Acres.	*Acres.*	*Yards.*	£ s. d.			*Acres.*	*Acres.*	*Yards.*	£ s. d.
Ballarat - - -	Returns not yet received.						Returns not yet received.					
Castlemaine - - -	16	Nil.	Nil.	Nil.	595	148 15 0	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
Avoca - - -	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
Sandhurst - - -	166	Nil.	Nil.	Nil.	3,012	753 0 0	274	Nil.	Nil.	Nil.	3,700	925 0 0
Beechworth - - -	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
Total - - -	182	Nil.	Nil.	Nil.	3,607	901 15 0	274	Nil.	Nil.	Nil.	3,700	925 0 0

Colonial Secretary's Office, Melbourne,
September 28, 1855.

W. H. WRIGHT,
Secretary to Gold Department.

No. 2.

RETURN of the Amount of Gold received at the Gold Offices, Melbourne and Geelong, during the Months of July and August 1855, from the various Gold Fields of this Colony, together with the VALUE of the same.

Date.	Government Gold.		Private Gold.				Total.		Grand Total.	
			Melbourne.		Geelong.					
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
					BALLARAT, &c.					
			ozs. dwt.	£ s.	ozs. dwt.	£ s.	ozs. dwt.	£ s.	ozs. dwt.	£ s.
July 6	- -	- -	16,102 15	64,411 0	- -	- - -	16,102 15	64,411 0		
„ 13	- -	- -	16,958 15	67,835 0	53 0	212 0	17,011 15	68,047 0		
„ 20	- -	- -	11,631 10	46,526 0	7 15	31 0	11,639 5	46,557 0		
„ 27	- -	- -	11,061 0	44,244 0	68 5	273 0	11,129 5	44,517 0		
Aug. 3	- -	- -	12,413 0	49,652 0	76 15	307 0	12,489 15	49,959 0		
„ 10	- -	- -	13,251 5	53,005 0	13 5	53 0	13,264 10	53,058 0		
„ 17	- -	- -	15,578 5	62,313 0	255 15	1,023 0	15,834 0	63,336 0		
„ 24	- -	- -	14,415 15	57,663 0	67 15	271 0	14,483 10	57,934 0		
„ 31	- -	- -	16,472 10	65,890 0	71 10	286 0	16,544 0	66,176 0		
Total -	- -	- -	127,884 15	511,539 0	614 0	2,456 0	128,498 15	513,995 0	128,498 15	513,995 0
					CASTLEMAINE, &c.					
July 6	- -	- -	25,453 14	101,814 16	53 10	214 0	25,507 4	102,028 16		
„ 13	- -	- -	20,976 0	83,904 0	- -	- - -	20,976 0	83,904 0		
„ 20	- -	- -	23,069 16	92,279 4	- -	- - -	23,069 16	92,279 4		
„ 27	- -	- -	26,661 5	106,645 0	- -	- - -	26,661 5	106,645 0		
Aug. 3	- -	- -	23,096 3	92,384 12	- -	- - -	23,096 3	92,384 12		
„ 10	- -	- -	27,379 0	109,516 0	- -	- - -	27,379 0	109,516 0		
„ 17	- -	- -	26,483 17	105,935 8	40 0	160 0	26,523 17	106,095 8		
„ 24	- -	- -	29,081 16	116,327 4	54 10	218 0	29,136 6	116,545 4		
„ 31	- -	- -	32,963 9	131,853 16	- -	- - -	32,963 9	131,853 16		
Total -	- -	- -	235,165 0	940,660 0	148 10	592 0	235,313 0	941,252 0	235,313 0	941,252 0
					BEECHWORTH, &c.					
July 2	- -	- -	7,316 0	29,264 0	- -	- - -	7,316 0	29,264 0		
„ 16	- -	- -	6,826 0	27,304 0	- -	- - -	6,826 0	27,304 0		
„ 30	- -	- -	6,708 10	26,834 0	- -	- - -	6,708 10	26,834 0		
Aug. 12	- -	- -	8,142 10	32,570 0	- -	- - -	8,142 10	32,570 0		
„ 26	- -	- -	6,884 0	27,536 0	- -	- - -	6,884 0	27,536 0		
Total -	- -	- -	35,877 0	143,508 0	- -	- - -	35,877 0	143,508 0	35,877 0	143,508 0
GRAND TOTAL -			- -	- -	- -	- - -	- -	- -	399,688 15	1,598,755 0

Colonial Secretary's Office, Melbourne,
September 28, 1855.

W. H. WRIGHT,
Secretary to Gold Department.

No. 3.

RETURN of the Amount of Fees received at the Treasury, Melbourne, during the Months of July and August 1855, being Remittances on account of Miners' Rights and Licences issued on the various Gold Fields of this Colony.

Date.	Where issued.	Gold.	Value at 80s. per Ounce.	Cash.	Total.
1855.				£ s. d.	£ s. d.
July -	Ballarat, Castlemaine, &c. -	- -	- -	26,199 10 0	26,199 10 0
Aug. -	Do. do - -	- -	- -	15,794 0 0	15,794 0 0
	Total - -	- -	- -	41,993 10 0	41,993 10 0

Colonial Secretary's Office, Melbourne,
September 23, 1855.

W. H. WRIGHT,
Secretary to Gold Department.

No. 4.

RETURN of the Amount of Fees received at the Gold Offices, Melbourne and Geelong, during the Months of July and August 1855, on private Gold and Cash transmitted per Escort from the various Gold Fields of this Colony, and delivered to the Public.

Date.	Districts from which received.	Amount of Fees received.
1855.		£ s. d.
July -	Ballaarat, Castlemaine, &c. - - - -	164 13 3
August -	Do. do. - - - -	131 11 3
	Total - - -	£296 4 6

Colonial Secretary's Office, Melbourne, September 28, 1855.

W. H. WRIGHT, Secretary to Gold Department.

No. 5.

RETURN of the SALES by TENDER of GOVERNMENT GOLD during the Months of July and August 1855.

Nil.

Colonial Secretary's Office, Melbourne, September 28, 1855.

W. H. WRIGHT, Secretary to Gold Department.

No. 6.

RETURN of the Amount of Fees received during the Months of July and August 1855 on Gold and Cash deposited in the Gold Offices, Melbourne and Geelong, for a longer period than One Month.

Date.	No. of Parcels.	Gold.	Cash.	Fees received.
1855.		ozs. dwts. grs.	£ s. d.	£ s. d.
July - -	56	1,734 0 0	399 0 0	93 18 0
August - -	44	1,279 0 0	435 0 0	62 15 5
Total - -	100	3,013 0 0	834 0 0	156 13 5

Colonial Secretary's Office, Melbourne, September 28, 1855.

W. H. WRIGHT, Secretary to Gold Department.

No. 7.

RETURN showing the Quantity of Gold exported from the Colony during the Months of July and August 1855.

Port of Shipment.	July.	August.	Total.
	ozs. dwts. grs.	ozs. dwts. grs.	ozs. dwts. grs.
Melbourne - - - -	199,933 14 0	291,626 1 0	491,559 15 0

Custom House, Melbourne, September 28, 1855.

HUGH C. E. CHILDERS.

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No. 8.

RETURN of the Amount of Gold received at and delivered from the Gold Office, Melbourne, during the Month of July 1855, showing also the Balance remaining.

			ozs.	dwts.
Balance on 30th June 1855			98,098	4
Received from Ballaarat, &c.			55,754	0
„ Castlemaine, &c.			96,160	15
„ Beechworth, &c.			20,850	10
Total			270,863	9
Delivered to the Public	ozs. 189,115	11		
Transferred for Export	10,011	0		
			199,126	11
Balance, 31st July 1855			71,738	18

Colonial Secretary's Office, Melbourne,
September 28, 1855.

W. H. WRIGHT,
Secretary to Gold Department.

RETURN of the Amount of Gold received at and delivered from the Gold Office, Melbourne, during the Month of August 1855, showing also the Balance remaining.

			ozs.	dwts.
Balance on 31st July 1855			71,736	18
Received from Ballaarat, &c.			72,130	15
„ Castlemaine, &c.			139,004	5
„ Beechworth, &c.			15,026	10
Total			297,898	8
Delivered to the Public	ozs. 203,584	10		
Transferred for Export	14,455	14		
			218,040	4
Balance, 31st August 1855			79,858	4

Colonial Secretary's Office, Melbourne,
September 28, 1855.

W. H. WRIGHT,
Secretary to Gold Department.

Nos. 9 and 10.

[Consisting of RETURNS of current Rates of Wages and Prices, being extremely voluminous, are not printed.]

Nos. 11 and 12.

[Consisting of RETURNS of Arrivals and Departures by Sea, and of Vessels in Harbour of Ports of Melbourne and Geelong, being very voluminous, are likewise omitted.]

No. 13.

A RETURN of the Disposal of 29 Persons brought before the Criminal Circuit Court, Castlemaine, in the Colony of Victoria, 9th August 1855.

Offence.	Convicted.	Acquitted.	Discharged from Absence of Witnesses.	Remanded to next Sessions.	On Bail, and did not appear.	Total.
Shooting at or wounding with intent to murder or do grievous bodily harm	2	-	-	-	1	3
Manslaughter	1	-	-	1	-	2
Robbery in company	2	-	-	-	-	2
Stealing in a dwelling house to the value of 5*l.*	-	-	-	1	-	1
Larceny	3	2	-	-	-	5
Obtaining goods under false pretences	-	1	-	-	-	1
Horse stealing	-	1	-	-	-	1
Inflicting actual bodily harm	1	-	-	-	-	1
Riot and assault	7	-	-	-	-	7
Indecent assault	-	1	-	-	-	1
Arson	-	2	-	-	-	2
Forgery	1	-	-	-	-	1
Embezzlement	1	1	-	-	-	2
	18	8	-	2	1	29

SENTENCES.

7 years on the roads of the colony	2
6 do. do.	1
4 do. do.	1
3 do. do.	2
9 months do.	1
6 do. imprisonment	1
3 weeks do.	1
1 fortnight do.	1
Not sentenced ; bound over to appear when called upon	8
	18

HENRY F. GREENER, Crown Solicitor.

No. 14.

RETURN of the estimated Population on the various Gold Fields of this Colony on 25th August 1855.

District.	Men.	Women.	Children.	Total.
Ballaarat	19,850	5,860	6,140	31,850
Castlemaine	26,600	5,400	5,850	37,850
Avoca	37,000	7,000	11,000	55,000
Sandhurst	12,600	4,003	4,002	20,605
Beechworth	4,170	580	850	5,600
Total	100,220	22,843	27,842	150,905

NOTE.—Of the numbers stated in this Return the following are Chinese:—

District.	Men.	Women.	Children.	Total.
Ballaarat	3,200	-	-	3,200
Castlemaine	8,200	-	-	8,200
Avoca	6,000	-	-	6,000
Sandhurst	5,000	3	2	5,005
Beechworth	66	-	-	66
Total	22,466	3	2	22,471

Colonial Secretary's Office, Melbourne,
September 28, 1855.

W. H. WRIGHT,
Secretary to Gold Department.

No. 15.

[Consisting of a Nominal RETURN of the CIVIL, MILITARY, and POLICE FORCE employed on the various GOLD FIELDS on 31st August 1855, being extremely voluminous, is not printed].

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No. 2.

No. 2.

Copy of a DESPATCH from Governor Sir C. Hotham to the Right Hon. Sir W. Molesworth, Bart.

(No. 142.) Toorac, near Melbourne, November 21, 1855.

(Received, March 5, 1856.)

Sir, (Answered, No. 51., March 22, 1856, page 39.)

I have thought it advisable to defer informing you of the result of the changes made in the laws relating to the management of the gold fields until a sufficient experience had been obtained of their adaptation to the peculiar state of society existing on those localities, and of the manner in which they would be generally regarded by the miners.

My previous correspondence will have informed you of the means which were pursued to obtain an insight into the habits and opinions of the enterprising class of men who frequent this country in search of gold, and of the earnest endeavours of that Commission to arrive at a fair and satisfactory solution of the problem entrusted to them. They were instructed to consider the scope of their duties unlimited; they were empowered to enquire into everything, and they were informed that "I felt that the ability of the gentlemen forming the "Commission would devise a measure remunerative to the capitalist, beneficial "to the commerce of the colony, and free from injustice or hardship to the "miner."

It is with sincere pleasure that I can now state that my most sanguine expectations have been fully realised, and in some instances surpassed. Good order and quiet have generally prevailed, and there are appearances which indicate that a spirit of contentment exists amongst the mining population. In masses of men herded together with one all-absorbing object, collected from all quarters of the globe, composed of the most enterprising and restless spirits, it is only reasonable to suppose that disturbances would occasionally occur; the merest accident produces a brawl, swells into a tumult, and requires the interference of the authorities. Such a case occurs in every country and under every government: but so long as it is without a political object little importance is attached to it, and such has been the case on the gold fields of Victoria. On two late occasions "brawls," arising out of feuds of races, have occurred, and the police has been strengthened in the neighbourhood; but during the last eleven months this has been the extent of the disturbance, and government now enjoys as large a share of respect as I could possibly desire.

It will be my duty to treat this subject more fully in another part of my despatch. I am desirous now to lay before you a general outline of the mode under which the laws were formerly administered on the gold fields, together with the reforms and alterations which have since taken place.

The great and primary cause of complaint which I found prevalent was, undoubtedly, the licence fee. Every miner was required to produce, at a moment's notice, the licence which authorized him to dig; no excuse was admissible. No matter the distance at which he lived, or his inability to support himself, if he failed in producing the licence he suffered the penalty of imprisonment.

Theoretically nothing could be more just than that the man who profited by the gold should pay a proportion to the Crown for the right of extracting it, but practically nothing could be more unsound. I am not aware that direct taxation extending to all classes has ever been maintained; people entertain a certain dislike to paying down a positive sum, although they do not raise the same objection to the money being indirectly obtained. In the early days of the gold fields, when the digger had few competitors, and when the precious metal was almost found on the surface, the digger cared little for the fee; he lived as it were in a dream; his vocation was new; his fortune was easy; but in later times, when competition became severe, and gold digging more reduced to a trade, the fee became oppressive. Even if he were rich enough to pay it he often could not spare the time to go to the government office and obtain his licence; thus a general antipathy to the licence system was engendered, and men's minds prepared for any measure which might wash away the annoyance.

The habits of the officers also tended to augment the evil. They lived in a style totally unsuited to the duties they had to perform; dressed in a smart

uniform; and, messing together according to military custom, they moved with a dignity more suited to a capital than a gold field; and having an unpopular duty to perform, they invited hostile criticism and enmity by the apparent pains which were taken to separate them from the diggers, and maintain the class to which they belonged.

Thus a complete line of demarcation was drawn. The commission and the police stood on one side, and the diggers on the other. The fee was paid, with irritation and anger; or if not paid, the digger was cast into prison, to keep company with felons and rogues.

Such was the state of things which I found in existence; but some time elapsed before I could satisfy myself on the subject, or determine what to do. Nothing can be more difficult than to enter a new country, differing from anything the world had yet sent, and decide upon the wisdom of its institutions, and their adaptations to the habits of the people. Therefore you will hardly wonder that during four months I allowed existing matters to roll on, merely requiring that the law should be enforced, and that, finally, I should have preferred intrusting the inquiry to a commission.

Having described the state of the gold fields as I found them, it remains for me to bring before you the measures which were adopted in consequence of the recommendation of the commission, and the result which has attended an entire change of system.

Public opinion had already decided that the licence fee should be abolished, and was equally unanimous on the propriety of the miners being required to pay a special duty for the permission to occupy Crown lands and dig gold. The commission met this, by recommending that the miner should be required to take out annually a certificate, to be called the miners' right, for which he should pay one pound. In default thereof he was deprived of the privilege of voting either for a representative of his district or for a member of the local court, as well as of any claim for justice in case of trespass or similar injury being done to the ground he occupied. It was at the miner's option to neglect arming himself with this certificate; in such case he could not be punished for the omission; but, on the other hand, he lost the privileges pertaining to his vocation.

The deficiency in the revenue they recommended should be repaired by the institution of a duty levying two shillings and sixpence an ounce on all gold, not coin of the realm, shipped for export; and they thus substituted an indirect for a direct tax.

The result of its operation has dispelled the fears which I had entertained. No increase of smuggling has taken place, or violence ensued in consequence of attempts to gain possession of bullion carried about by persons not sufficiently protected. The gap in the revenue has been made good, and comparatively few complaints have been preferred regarding it. In a letter from the collector of customs the causes of its successful operation are given. I entirely concur in his reasoning, as far as the third and fourth clauses are concerned, and to them I would request your especial attention.

Enclosure.

But I do not concur in the fifth clause. The real cause of bullion maintaining its high price at the date of the collector's letter I attribute principally to competition amongst the banks, which was at one time carried to such a point that gold was sent from Melbourne for sale at Ballaarat, and realized a profit. The exchange has since fallen, and the price of bullion at the gold fields is three pounds fifteen shillings and sixpence per ounce. Leaving on one side, however, speculative questions which regard the political economist, the undoubted fact remains, that the export duty on gold has thoroughly answered its end; it has produced quiet, sustained the revenue, and is inoppressive in its character.

In addition to the export duty, it was recommended that occupation licences should be paid by storekeepers and others dwelling on Crown lands at the gold fields, and the rate has since been fixed at ten pounds, twenty pounds, and fifty pounds, according to area of ground occupied. And, in order to check litigation amongst the miners, the wardens were instructed to demand a fee of two pounds prior to giving their award in disputed cases.

The commissioners, however, did not confine themselves to questions of revenue. They recommended that the miners should be possessed with large administrative powers; that magistrates should be chosen from the body of the miners; and that the administration on the gold fields should be conducted

VICTORIA.

through local courts composed of elected miners and the warden of the district.

Of all the changes which have taken place, the nomination of the honorary magistrates is that which has been attended with least success. It has been easy to find gentlemen with sufficient education for the duty, but difficult to meet with persons possessing a competent knowledge of the law. Hence they have come into conflict with the constituted and professional authorities, and have failed in obtaining the necessary respect from the miners, even when their decisions have been legal.

To the institution of local courts I have always given my warmest support. No one can be as cognizant of the wants of the miner, or more competent to decide in what relates to his business, than the miner himself. I am of opinion that they have answered the purpose for which they were created. They are bodies which receive and take off the direct shock and collision which would otherwise often happen between the miner and the government officer; they recognize the principle of local government, which is natural to all Englishmen; and they beget a party on the gold fields interested in supporting law and order; and thus I believe they are regarded by those most interested; but to obtain the fullest benefit from them some alterations must be made in the Act, and the amount of their powers must be more clearly defined.

To enable these reforms, however, to bring about their full harvest, one thing was yet necessary;—being, that the warden should know how to adapt himself to circumstances. He must lay aside his smart uniform, and forget the luxury of a military mess;—he must, whilst retaining the chief authority on the gold fields, become the adviser of the miner. This also has been done, adding, I trust, largely to the satisfaction of the officer, and certainly greatly improving his position with the miner.

I have endeavoured to lay before you the state in which I found the gold fields, and the reforms which have been introduced; and I am now to detail the results which have been obtained from them.

Instead of a restless discontented body, the miners have lately shown themselves attached to the local authorities, and indisposed to violate the law. Since the Act has come into force public meetings have become less frequent; and on one or two occasions, when a temporary excitement has required that the police should be increased in a particular locality, a large body of the population have offered its service to the government.

I cannot better illustrate the present condition of this portion of the population than by relating two events which have recently occurred, similar in their character, and to which I made reference in the early part of my despatch.

In both instances a rich quartz vein led from a part of the diggings on which the miners were at work into purchased land. On both occasions a "rush," as it is called here, was made by the miners on the private property, to work the vein, and on each occasion they retired as soon as the warden informed them of the nature of the law, and of the resolution of government to enforce it. Finally they resolved to bring the matter into the Supreme Court, and obtain a judicial opinion on the question.

I am far from predicting that this state of things will continue. It requires but little fuel to kindle the feeling of one hundred thousand armed men, following the exciting search for gold; but it is my business to represent matters as they stand, and have existed during the last six months, and to report to you that I am entirely satisfied with the results attending the alterations made in the law. I do not mean to say that further amendment may not be required. I consider that the great question of right of gold on purchased land is yet to be solved; and I fear, should the miner be prohibited from pursuing the vein of rich quartz wherever he finds it (due compensation being awarded to the owner for any damage done to his property), that a general outcry will be raised against possessors of landed property, the result of which no man can foresee. To guide such a movement will be entirely out of my power. The Constitution will have introduced self-government, and on the people themselves will rest the responsibility of adjusting that most difficult question.

I have, &c.

CHAS. HOTHAM.

The Right Hon.
Sir W. Molesworth, Bart., M.P.,
&c. &c. &c.

Enclosure in No. 2.

VICTORIA.

Encl. in No. 2.

SIR, Custom House, Melbourne, 27th August 1855.

THE Acts imposing a duty on the exportation of gold, and regulating its collection, having now been in operation for above three months, it has occurred to me that a report upon their operation (so far as they relate to this department) might be satisfactory to his Excellency the Governor.

2. The provisions of these statutes are very simple. The first simply imposes the uniform duty of two shillings and sixpence per ounce on all gold exported on and after the 1st May 1855, including under the term "gold" all substances containing gold, jewellery, and even coin, unless the "current coin of the realm." The second, after making certain amendments in the Customs Regulation Act suggested by the Secretary of State, gives the duty of collecting this revenue to my department, and applies, "mutatis mutandis," the clauses preventing and punishing the smuggling of goods subject to duty on importation to the unlawful exportation of gold.

3. One, however, of the provisions of the latter Act demands especial notice. The 13th section empowers the Governor in Council to remit, in whole or in part, the escort charges on gold deposited for exportation. Under this provision gold may be sent from any of the mining districts to Melbourne or Geelong by military escort, and if retained in the custody of the Crown until it is duty paid and exported is not subjected to the fee of 6*d.* or 1*s.* per oz. imposed on all other gold so conveyed. As coin and bank notes are transmitted by the return escort to the gold fields free of charge, the result of this regulation has been to give an advantage of 1*s.* or 1*s.* 6*d.* per oz. to capitalists purchasing gold at the gold fields (of which 6*d.* or 1*s.* is due to the remission of the fee, and 6*d.* to the premium charged to the sellers for bills on Melbourne), an advantage which they have not been slow to appreciate.

4. Hence three fourths of the gold raised in Victoria has passed at the mines into the hands of the exporters (either bankers or merchants selling their drafts on London), from whom of course the duty has been collected with the greatest facility, and of the remaining one fourth a large proportion is also purchased in bond at Melbourne by exporters.

5. But facility in collecting the duty has not been the only effect of this regulation. In consequence of the advantage in this manner given to the banks and large capitalists, two thirds of the export of the country is in their hands, and they are thus enabled to charge a higher premium for their bills on England than the balance of trade would otherwise command.

But the result of this increased premium is an enhancement of the value of exports, and a burden upon imports.

Hence the practical effect of the export duty on gold has been.—

(1.) No diminution in the price of gold to the miner.

(2.) The purchase of nearly the entire produce of the mines by the banks and large capitalists, at a smaller profit per ounce than they formerly obtained, but (in all probability) as great profit in the aggregate.

(3.) The permanent rise on exchange on England, and a corresponding impetus to exportation; in other words, the tax has not fallen upon the miuer, and as a consideration for the occupation of Crown lands is inoperative, but it has been paid by the importers and the large capitalists, and it has transferred to the general revenue the profits of the brokers in Melbourne and Geelong.

6. By the accompanying account (Enclosure No. 1.) it will be seen that the entire produce of the tax from the 1st May to the 31st July has been 70,076*l.* 17*s.*, or 15,076*l.* 17*s.* in excess of the amount estimated by me. Sub-Enclosure, No. 1.

The whole of this amount has been collected at Melbourne, no vessel having cleared with gold from either Geelong, Portland, or Port Fairy, the ports at which gold may be exported.

7. Account (No. 2.) shows the operations of the gold office since the 1st May. It will be seen that of the amount delivered 30,919 oz. 11 dwts., or only 6·83 per cent., paid the escort fee. As the total amount upon which duty was paid during the same period was 560,613 oz. 12 dwts. it follows that 71·62 per cent. of the gold exported came under the provisions of the 13th Clause of the Act 18 Victoria, No. 29. Sub-Enclosure, No. 2.

8. Enclosure (No. 3.) shows the price of gold at Melbourne, Castlemaine, and Ballaarat at different periods during the current year, and the rate on which bills on England were sold by the banks at the same dates. This account fully justifies the conclusions which I have given above. Sub-Enclosure, No. 3.

9. It may be well to state, that the cost of collecting this duty is about 310*l.* per month, or, for the months May to July inclusive, about 13 per cent. of the revenue. Three seizures only have taken place, one of which was of a very trifling amount, at Belvoir on the River Murray, the other two from Chinese emigrants by the "Venelia." I have reason to believe that not more than 500 oz. have evaded the duty.

VICTORIA.

10. In connection with this subject I might have referred to the mutual effect of the export duty in Victoria and the branch mint recently established at Sydney.

Upon this, however, I may have occasion to report at a future period.

I have, &c.,

(Signed) HUGH C. E. CHILDERS,
Collector.

The Hon. the Colonial Secretary.

P.S.—I may add, that, during the first moiety of the current month duty was paid on 130,565 oz. 8 dwts., of which quantity 111,653 oz. 13 dwts. were entered for exportation, under the 13th Clause of the Act 18 Victoria, No. 29.

Sub-Enclosure 1. in No. 2.

An ACCOUNT of the Quantity of Gold exported from Victoria during the three months May to July 1855, both inclusive, compared with the Estimate of the Collector of Customs.

Month.	Quantity.			Duty.			Duty estimated.
	Melbourne.		Outposts.				
	oz.	dwts.		£	s.	d.	£
May - -	136,368	15	Nil.	17,046	2	6	12,000
June - -	192,046	4	„	24,005	16	9	20,000
July - -	232,198	6	„	29,024	17	9	23,000
Total -	560,613	5	„	70,076	17	0	55,000

Excess - - £ 15,076 17 0

Sub-Enclosure 2. in No. 2.

An ACCOUNT of the Operations of the Gold Office from the 1st May to the 31st July 1855.

Receipts.			Deliveries.		
	oz.	dwts.		oz.	dwts.
On hand 1st May - - -	7,837	0	Delivered on payment of escort fee - - - -	30,919	11
Received from the gold fields to 31st July - - -	515,766	3	Delivered to officers of customs for export - - -	421,559	1
Deposited at the office to same date - - - -	867	5	On hand, 31st July - -	72,991	16
	525,470	8		525,470	8
			Amount on which duty was paid between the same rates -	560,613	12

VICTORIA.

Sub-Enclosure 3. in No. 2.

STATEMENT of the Price of Gold and the Rates of Exchange on England during the period 1st January to 31st July 1855.

Date.	Bank Drafts sell at.	Price of Gold. Melbourne.	Price of Gold. Castlemaine.	Price of Gold. Ballarat.
		£ s. d.	£ s. d.	£ s. d.
January 1 - -	3 premium -	3 17 3	3 16 9	3 17 0
„ 10 - -	2 „	—	—	—
February 1 -	2 „	3 16 0	3 15 9	3 14 9
„ 3 -	1 „	—	—	—
March 1 - -	1 „	3 16 0	3 15 0	3 16 0
April 1 - -	1 „	3 15 9	3 15 3	3 17 0
		Here Gold Duty commences.		
May 1 - -	1 „	3 14 6	3 13 3	3 15 6
„ 23 - -	2 „	—	—	—
June 1 - -	2 „	3 16 0	3 15 0	3 16 9
„ 11 - -	3 „	—	—	—
July 1 - -	3 „	3 17 0	3 18 0	3 19 0
„ 3 - -	2 „	—	—	—
„ 31 - -	2 „	3 16 6	3 16 3	3 17 3

No. 3.

No. 3.

COPY of DESPATCH from Governor Sir C. HOTHAM to the Right Hon. Sir W. MOLESWORTH, Bart.

(No. 144.)

Toorac, near Melbourne, November 24th, 1855.

(Received, March 25, 1856.)

SIR,

I HAVE the honour to forward, for your information, the usual Returns from the gold fields for the two months ending 31st October 1855. Returns.

I have, &c.

(Signed) CHARLES HOTHAM.

The Right Hon.
Sir William Molesworth, Bart, M.P.
&c. &c. &c.

Enclosure in No. 3.

Encl. in No. 3.

GOLD RETURNS contained in his Excellency the Governor's Despatch, No. 144. of November 24, 1855.

September and October 1855.

No. 1.—Return of the Number of Miners' Rights and Licences issued at the various Gold Fields of this Colony.

No. 2.—Return of Amount and Value of Gold received at Gold Offices, Melbourne and Geelong.

No. 3.—Return of the Amount received as Fees collected at the Gold Offices.

No. 4.—Return of Gold exported.

No. 5.—Return of the Receipt and Delivery of Gold at Melbourne and Geelong.

No. 6.—Return of the Rates of Wages and Prices current on the various Gold Fields.*

No. 7.—Return of the Rates of Wages and Prices current in Melbourne.*

No. 8.—Return of the Arrivals at and the Departures from this Colony by Sea.*

No. 9.—Return of Vessels in Harbour Ports of Melbourne and Geelong.*

No. 10.—Return of Cases brought before the Circuit Court held at Castlemaine on 9th October.

No. 11.—Return of the Estimated Population on the various Gold Fields.

* These Returns, being very voluminous, are not printed.

VICTORIA.

No. 1.

STATEMENT of Miners' Rights, Business Licences, and Leases of Alluvial Lands or Quartz Veins, issued at Melbourne, Geelong, and the various Gold Fields of this Colony, from 1st September to 31st October 1855, together with the Amount of Fees collected and received at the Treasury in Payment for the same.

District in which issued.	Description and Value.						Amount Received.	Remarks.
	Miners' Rights at 1*l.* per Annum.	Business Licences.			Quartz Veins.			
		At 2*l.* 10*s.* for Three Months.	At 5*l.* for Six Months.	At 10*l.* for Twelve Months.	Number of Leases at 1*l.* per Yard per Annum.	Number of Yards.	£ s. d.	
Melbourne -	57	- -	- -	- -	- -	- -	57 0 0	
Castlemaine -	2,512	572	10	7	1*	34	4,070 10 0	* Deposit of 8*l.* 10*s.* paid on account of this lease.
Sandhurst -	1,618	119	14	44	- -	- -	2,425 10 0	
Avoca - -	1,329	185	1	- -	- -	- -	1,796 10 0	
Ballaarat -	2,577	743	79	54	- -	- -	5,366 10 0	3*l.* short remitted.
Beechworth -	555	251	13	12	- -	- -	1,367 10 0	
Totals -	8,648	1,870	117	117	1	34	15,083 10 0	

N.B.—The above amount is exclusive of 7,584*l.* received during the period of the Return for Chinese Protection Tickets issued at the Gold Fields.

Colonial Treasury, Melbourne,
November 22, 1855.

CHARLES SLADEN,
Colonial Treasurer.

E. S. SYMONDS,
Gold Receiver.

No. 2.

RETURN of the Amount and Value of Gold received at the Gold Offices, Melbourne and Geelong, from the various Gold Fields of this Colony, from 1st September to 31st October 1855.

District from which received.	Private Gold.											
	Melbourne.				Geelong.				Total.			
	Quantity.		Value at 80*s.* per oz.		Quantity.		Value at 80*s.* per oz.		Quantity.		Value at 80*s.* per oz.	
	oz.	*dwts.*	£ *s.*	*d.*	*oz.*	*dwts.*	£ *s.*	*d.*	*oz.*	*dwts.*	£ *s.*	*d.*
CASTLEMAINE:												
Castlemaine -	69,097	10	276,390 0	0	-	-	- -	-	69,097	10	276,390 0	0
Mount Franklin -	1,275	15	5,103 0	0	-	-	- -	-	1,275	15	5,103 0	0
Fryer's Creek -	698	2	2,792 8	0	-	-	- -	-	698	2	2,792 8	0
Total - -	71,071	7	284,285 8	0	-	-	- -	-	71,071	7	284,285 8	0
SANDHURST:												
Sandhurst - -	82,302	0	329,208 0	0	30	10	122 0	0	82,332	10	329,330 0	0
Heathcote - -	3,152	0	12,608 0	0	-	-	- -	-	3,152	0	12,608 0	0
Total - -	85,454	0	341,816 0	0	30	10	122 0	0	85,484	10	341,938 0	0

No. 2.—Return of the Amount and Value of Gold received at the Gold Offices—*continued.*

District from which received.	PRIVATE GOLD.					
	Melbourne.		Geelong.		Total.	
	Quantity.	Value at 80*s.* per oz.	Quantity.	Value at 80*s.* per oz.	Quantity.	Value at 80*s.* per oz.
	oz. dwts.	£ *s. d.*	*oz. dwts.*	£ *s. d.*	*oz. dwts.*	£ *s. d.*
Avoca:						
Maryborough -	48,191 10	192,766 0 0	- -	- - -	48,191 10	192,766 0 0
Avoca - -	4,132 0	16,528 0 0	30 0	120 0 0	4,162 0	16,648 0 0
Amherst - -	15,722 10	62,890 0 0	23 10	94 0 0	15,746 0	62,984 0 0
Total - -	68,046 0	272,184 0 0	53 10	214 0 0	68,099 10	272,398 0 0
Ballaarat:						
Ballaarat - -	117,966 0	471,864 0 0	121 5	485 0 0	118,087 5	472,349 0 0
Creswick Creek -	18,017 15	72,071 0 0	- -	- - -	18,017 15	72,071 0 0
Total - -	135,983 15	543,935 0 0	121 5	485 0 0	136,105 0	544,420 0 0
Beechworth:						
Beechworth - -	29,352 10	117,410 0 0	- -	- - -	29,352 10	117,410 0 0
Buckland River -	1,059 0	4,236 0 0	- -	- - -	1,059 0	4,236 0 0
Yackandandah -	342 0	1,368 0 0	- -	- - -	342 0	1,368 0 0
Total - -	30,753 10	123,014 0 0	- -	- - -	30,753 10	123,014 0 0
			Grand Total		391,513 17	1,566,055 8 0

Colonial Treasury, Melbourne,
November 22, 1855.

Charles Sladen,
Colonial Treasurer.

E. S. Symonds,
Gold Receiver.

No. 3.

Return of the Amount of Fees collected at the Gold Offices, Melbourne and Geelong, from 1st September to 31st October 1855, for the Escort and Custody of Gold and Cash transmitted to and received from the various Gold Fields of this Colony on account of private Individuals.

Gold Office.	Gold and Cash delivered on Payment of Escort Fee.			Gold and Cash delivered from the Gold Offices which have remained on Deposit for a longer Period than 30 Days.				Total Amount of Escort and Custody Fees.
	Gold.	Cash.	Amount of Escort Fees.	Number of Parcels.	Gold.	Cash.	Amount of Custody Fees.	
	oz. dwts.	£ *s. d.*	£ *s. d.*		*oz. dwts.*	£ *s. d.*	£ *s. d.*	£ *s. d.*
Melbourne -	16,144 9	733 0 0	421 4 0	118	3,682 0	1,111 0 0	369 9 7	790 9 7
Geelong - -	256 10	- -	6 10 0	3	64 5	- -	11 3 2	17 13 2
Total -	16,400 19	733 0 0	427 14 0	121	3,746 5	1,111 0 0	380 12 9	808 2 9

Colonial Treasury, Melbourne,
November 22, 1855.

Charles Sladen,
Colonial Treasurer.

E. S. Symonds,
Gold Receiver.

VICTORIA.

No. 4.

RETURN showing the Quantity of Gold exported from this Colony during the Months of September and October 1855.

Port of Shipment.	September.			October.			Total.		
	ozs.	*dwts.*	*grs.*	*ozs.*	*dwts.*	*grs.*	*ozs.*	*dwts.*	*grs.*
Melbourne - - -	253,986	15	0	232,707	18	12	486,694	13	12

Custom House, Melbourne,
November 22, 1855.

HUGH C. E. CHILDERS.

No. 5.

RETURN showing the Quantity of Gold received into and delivered from the Gold Offices, Melbourne and Geelong, from 1st September to 31st October 1855, together with the Balance remaining on hand.

	Melbourne.		Geelong.		Totals.			
	ozs.	*dwts.*	*ozs.*	*dwts.*	*ozs.*	*dwts.*	*ozs.*	*dwts.*
Quantity of Gold remaining on deposit in the Gold Offices, on 31st August 1855 - -	82,573	13	205	15	- - -		82,779	8
Gold received from the Gold Fields, viz. :—								
Castlemaine - - -	71,071	7	- -	-	71,071	7		
Sandhurst - - -	85,454	0	30	10	85,484	10		
Avoca - - -	68,046	0	53	10	68,099	10		
Ballaarat - - -	135,983	15	121	5	136,105	0		
Beechworth - - -	30,753	10	- -	-	30,753	10		
Total Gold Fields -	391,308	12	205	5	391,513	17		
Deposited in Export Offices	397	17	- -	-	397	17		
							391,911	14
							474,691	2
Gold delivered from the Gold Offices, viz. :—								
On payment of Escort Fee -	16,144	9	256	10	16,400	19		
For Export { Escort Offices -	389,552	5	- -	-	389,552	5		
For Export { Export Offices	21,845	0	- -	-	21,845	0		
Loss in weight on repacking	10	11	- -	-	10	11		
							427,808	15
Balance on 31st October 1855 - - -	- - -		- -	-	- - -		46,882	7
PARTICULARS OF BALANCE.								
Escort Offices - -	44,459	7	154	10	44,613	17		
Export Offices - - -	2,268	10	- -	-	2,268	10		
					46,882	7		

Colonial Treasury,
Melbourne, November 22, 1855.

CHARLES SLADEN,
Colonial Treasurer.

E. S. SYMONDS,
Gold Receiver.

Nos. 6 and 7.

[Consisting of RETURNS of current Rates of Wages and Prices, being extremely voluminous, are not printed.]

Nos. 8 and 9.

[Consisting of RETURNS of Arrivals and Departures by Sea, and of Vessels in Harbour of Ports of Melbourne and Geelong, being very voluminous, are likewise omitted.]

No. 10.

RETURN of the Disposal of Twenty-two Persons brought before the Criminal Circuit Court, Castlemaine, in the Colony of Victoria, for Trial, 9th October 1855.

Offence.	Convicted.	Acquitted.	Discharged from Absence of Witnesses.	Remanded to next Sessions.	On Bail, and did not appear.	Total.
Murder	-	2	-	-	-	2
Manslaughter	1	1	-	1	-	3
Rape	1	-	-	-	-	1
Assault with intent to commit a rape	-	-	-	-	1	1
Bestiality	-	1	-	-	-	1
Stealing in a dwelling house to the value of 5*l.*	2	1	-	1	-	4
Larceny	4	1	-	1	-	6
Horse stealing	1	-	-	-	-	1
Maliciously wounding	-	1	-	-	-	1
Abduction	-	2	-	-	-	2
Total	9	9	-	3	1	22

SENTENCES.

Death recorded	1
6 years on the roads of the colony	1
3 do. do.	1
18 months do. do.	1
12 months' imprisonment with hard labour	1
6 do. do.	1
3 do. do.	2
14 days' do. do.	1
Total	9

HENRY F. GREENER, Crown Solicitor.

VICTORIA.

No. 11.

RETURN of the Estimated Population on the various Gold Fields of this Colony on the 27th October 1855.

District.	Other than Chinese.				Chinese.				Total Population.
	Men.	Women.	Children.	Total.	Men.	Women.	Children.	Total.	
Ballaarat - -	56,454	7,700	8,070	72,224	2,373	2	1	2,376	74,600
Castlemaine - -	19,300	4,300	5,400	29,000	6,500	2	5	6,507	35,507
Avoca - -	15,550	3,070	4,730	23,350	4,790	–	–	4,790	28,140
Sandhurst - -	7,000	3,400	2,800	13,200	5,243	–	4	5,247	18,447
Beechworth - -	4,335	741	966	6,042	58	–	–	58	6,100
Total -	102,639	19,211	21,966	143,816	18,964	4	10	18,978	162,794

Colonial Secretary's Office,
Melbourne, November 22, 1855.

W. H. WRIGHT,
Secretary to the Gold Department.

No. 4.

No. 4.

COPY of a DESPATCH from Acting Governor MACARTHUR to the Right Hon. Sir W. MOLESWORTH, Bart.

(No. 14.) Government Offices, Melbourne, January 22, 1856.

(Received April 28, 1856.)

SIR,

I HAVE the honour to forward for your information the usual Returns from the gold fields for the two months ended 31st December 1855.

I have, &c.

(Signed) E. MACARTHUR,
Major-General.

The Right Hon.
Sir William Molesworth, Bart.
&c. &c. &c.

Encl. in No. 2.

Enclosure in No. 2.

GOLD RETURNS, contained in his Excellency the Governor's Despatch, No. 14, of date January 22, 1856.

November and December 1855.

BI-MONTHLY RETURNS.

No. 1.—Return of the Number of Licences and Miners' Rights issued at the various Gold Fields of this Colony.
No. 2.—Return of Amount and Value of Gold received at the Gold Offices, Melbourne and Geelong.
No. 3.—Return of the Amount received as Fees collected at the Gold Offices.
No. 4.—Return of Gold exported.
No. 5.—Return of the Receipt and Delivery of Gold at Melbourne and Geelong.
Ne. 6.—Return of the Rates of Wages and Prices current on the various Gold Fields.*
No. 7.—Return of the Rates of Wages and Prices current in Melbourne.*
No. 8.—Returns of the Arrivals at and the Departures from this Colony by Sea.*
No. 9.—Return of Vessels in Harbour, Ports of Melbourne and Geelong.*
No. 10.—Return of Cases brought before the Circuit Court held at Castlemaine on the 9th October.
No. 11.—Return of the Estimated Population on the various Gold Fields.

QUARTERLY RETURNS.

No 12.—Return of the Civil, Military, and Police Forces employed on and in connexion with the various Gold Fields on 31st December 1855.*
No 13.—Quarterly Abstract of Immigration Returns.*

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* These Returns, being very voluminous, are not printed.

No. 1.

STATEMENT of Miners' Rights, Business Licences, and Leases of Alluvial Lands or Quartz Veins, issued at Melbourne, Geelong, and the various Gold Fields of this Colony, from 1st November to 31st December 1855, together with the Amount of Fees collected and received at the Treasury in Payment for the same.

District in which issued.	Description and Value.						Amount received.	Remarks.
	Miners' Rights at 1*l.* per Annum.	Business Licences			Quartz Veins.			
		At 2*l.* 10*s.* for Three Months.	At 5*l.* for Six Months.	At 10*l.* for Twelve Months.	Number of Leases at 1*l.* per Yard per Annum.	Number of Yards.		
							£ s. d.	
Melbourne -	115	26	- -	- -	- -	- -	180 0 0	
Geelong - -	2	- -	- -	- -	- -	- -	2 0 0	
Castlemaine -	1,488	649	5	5	- -	- -	3,185 10 0	
Sandhurst -	596	84	5	44	- -	182	1,316 10 0	
Avoca - -	614	332	5	- -	- -	- -	1,468 17 6	Short 2*s.* 6*d.*
Ballaarat -	2,267	664	18	30	- -	50	4,329 10 0	
Beechworth -	448	347	7	6	- -	- -	1,410 10 0	
Total - -	5,530	2,102	40	85	- -	232	11,892 17 6	

Colonial Treasury, Melbourne,
January 30, 1856.

CHARLES SLADEN,
Colonial Treasurer.

E. S. SYMONDS,
Gold Receiver.

No. 2.

RETURN of the Amount and Value of Gold received at the Gold Offices, Melbourne and Geelong, from the various Gold Fields of this Colony, from 1st November to 31st December 1855.

District from which received.	PRIVATE GOLD.					
	Melbourne.		Geelong.		Total.	
	Quantity.	Value at 80*s.* per oz.	Quantity.	Value at 80*s.* per oz.	Quantity.	Value at 80*s.* per oz.
	oz. dwts.	£ *s. d.*	*oz. dwts.*	£ *s. d.*	*oz. dwts.*	£ *s. d.*
CASTLEMAINE:						
Castlemaine -	68,639 10	274,558 0 0	15 0	60 0 0	68,654 10	274,618 0 0
Mount Franklin -	842 0	3,368 0 0	- -	- - -	842 0	3,368 0 0
Fryer's Creek -	418 0	1,672 0 0	- -	- - -	418 0	1,672 0 0
Mount Blackwood -	2,656 0	10,624 0 0	14 5	57 0 0	2,670 5	10,681 0 0
Total - -	72,555 10	290,222 0 0	29 5	117 0 0	72,584 15	290,339 0 0
SANDHURST:						
Sandhurst - -	82,983 10	331,934 0 0	- -	- - -	82,983 10	331,934 0 0
Heathcote -	4,325 0	17,300 0 0	- -	- - -	4,325 0	17,300 0 0
Total - -	87,308 10	349,234 0 0	- -	- - -	87,308 10	349,234 0 0
AVOCA:						
Maryborough -	34,110 0	136,440 0 0	91 10	366 0 0	34,201 10	136,806 0 0
Avoca - -	12,134 0	48,536 0 0	159 10	638 0 0	12,293 10	49,174 0 0
Amherst - -	6,507 10	26,030 0 0	- -	- - -	6,507 10	26,030 0 0
Total - -	52,751 10	211,006 0 0	251 0	1,004 0 0	53,002 10	212,010 0 0

VICTORIA.

No. 2.—Return of the Amount and Value of Gold received at the Gold Offices—*continued.*

District from which received.	PRIVATE GOLD.											
	Melbourne.				Geelong.				Total.			
	Quantity.		Value at 80*s.* per oz.			Quantity.		Value at 80*s.* per oz.			Quantity.		Value at 80*s.* per oz.		
	oz.	*dwts.*	£	*s.*	*d.*	*oz.*	*dwts.*	£	*s.*	*d.*	*oz.*	*dwts.*	£	*s.*	*d.*
Ballaarat:															
Ballaarat - -	124,007	15	496,031	0	0	17,063	5	68,253	0	0	141,071	0	564,284	0	0
Creswick Creek -	17,350	0	69,400	0	0	3,066	15	12,267	0	0	20,416	15	81,667	0	0
Fiery Creek -	31,107	10	124,430	0	0	8,017	10	32,070	0	0	39,125	0	156,500	0	0
Total - -	172,465	5	689,861	0	0	28,147	10	112,590	0	0	200,612	15	802,451	0	0
Beechworth:															
Beechworth -	50,691	10	202,766	0	0	-	-	-	-	-	50,691	10	202,766	0	0
Buckland River -	2,475	0	9,900	0	0	-	-	-	-	-	2,475	0	9,900	0	0
Yachandandah -	184	0	736	0	0	-	-	-	-	-	184	0	736	0	0
Total - -	53,350	10	213,402	0	0	-	-	-	-	-	53,350	10	213,402	0	0
						Grand Total -					466,859	0	1,867,436	0	0

Colonial Treasury, Melbourne,
January 23, 1856.

Charles Sladen,
Colonial Treasurer.

E. S. Symonds,
Gold Receiver.

No. 3.

Return of the Amount of Fees collected at the Gold Offices, Melbourne and Geelong, from 1st November to 31st December 1855, for the Escort and Custody of Gold and Cash transmitted to and received from the various Gold Fields of this Colony on account of private Individuals.

Gold Office.	Gold and Cash delivered on Payment of Escort Fee.									Gold and Cash delivered from the Gold Offices which have remained on Deposit for a longer Period than 30 Days.									Total Amount of Escort and Custody Fees.		
	Gold.		Cash.			Amount of Escort Fees.				Number of Parcels.	Gold.		Cash.			Amount of Custody Fees.					
	oz.	*dwts.*	£	*s.*	*d.*	£	*s.*	*d.*			*oz.*	*dwts.*	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Melbourne -	11,370	3	360	0	0	301	16	4		150	7,788	0	1,520	0	0	373	5	3	675	1	7
Geelong -	952	0	-		-	23	19	0		2	101	5	-	-	-	1	12	6	25	11	6
Total - -	12,322	3	360	0	0	325	15	4		152	7,889	5	1,520	0	0	374	17	9	700	13	1

Colonial Treasury, Melbourne,
January 23, 1856.

Charles Sladen,
Colonial Treasurer.

E. S. Symonds,
Gold Receiver.

No. 4.

Return showing the Quantity of Gold exported from the Colony during the Months of November and December 1855.

Port of Shipment.	November.			December.			Total.		
	ozs.	*dwts.*	*grs.*	*ozs.*	*dwts.*	*grs.*	*ozs.*	*dwts.*	*grs.*
Melbourne - - -	262,637	18	0	142,172	6	0	408,810	4	0

Custom House, Melbourne,
January 31, 1856.

Hugh C. E. Childers.

E. S. Symonds,
Gold Receiver.

No. 5.

RETURN showing the Quantity of Gold received into and delivered from the Gold Offices, Melbourne and Geelong, from 1st November to 31st December 1855, together with the Balance remaining on hand.

	MELBOURNE.		GEELONG.		TOTALS.			
	ozs.	*dwts.*	*ozs.*	*dwts.*	*ozs.*	*dwts.*	*ozs.*	*dwts.*
Quantity of Gold remaining on deposit in the Gold Offices on 31st October 1855 - - -	46,727	17	154	10	—		46,882	7
Gold received from the Gold Fields, viz. :—								
Castlemaine - - -	72,555	10	29	5	72,584	15		
Sandhurst - - -	87,308	10	—		87,308	10		
Avoca - - -	52,751	10	251	0	53,002	10		
Ballaarat - - -	172,465	5	28,147	10	200,612	15		
Beechworth - - -	53,350	10	—		53,350	10		
Total Gold Fields - -	438,431	5	28,427	15	466,859	0		
Deposited in Export Offices	124	15	—		124	15		
							466,983	15
							513,866	2
Gold delivered from the Gold Offices, viz. :—								
On payment of Escort Fee -	11,370	3	952	0	12,322	3		
For Export { Escort Offices -	389,798	14	26,648	0	416,446	14		
For Export { Export Offices	27,328	10	—		27,328	10		
Loss in weight on repacking	41	0	—		41	0		
							456,138	7
Balance on 31st Dec. 1855	56,745	10	982	5	—		57,727	15
PARTICULARS OF BALANCE.								
Escort Offices - -	53,520	0	982	5	54,502	5		
Export Offices - - -	3,225	10	—		3,225	10		
					57,727	15		

Colonial Treasury,
Melbourne, January 23, 1856.

CHARLES SLADEN,
Colonial Treasurer.

E. S. SYMONDS,
Gold Receiver.

Nos. 6 and 7.

[Consisting of RETURNS of current Rates of Wages and Prices, being extremely voluminous, are not printed.]

Nos. 8 and 9.

[Consisting of RETURNS of Arrivals and Departures by Sea, and of Vessels in Harbour of Ports of Melbourne and Geelong, being very voluminous, are likewise omitted.]

VICTORIA.

No. 10.

A RETURN of the Disposal of Thirty-one Persons brought before the Criminal Circuit Court, Castlemaine, in the Colony of Victoria, for Trial, 10th December 1855.

Offences.	Convicted.	Acquitted.	Discharged from Absence of Witnesses.	Remanded to next Sessions.	Total.
Manslaughter	2	1	-	-	3
Shooting at, with intent to do grievous bodily harm	1	-	-	-	1
Carnally abusing a girl under 10 years	-	-	-	1	1
Assault with intent to abuse a girl under 10 years	2	-	-	-	2
Attempt to commit sodomy	2	-	-	-	2
Stealing in a dwelling house to the value of 5*l.*	2	1	-	-	3
Larceny	2	3	-	-	5
Receiving, &c.	6	1	-	-	7
Horse stealing	1	1	-	-	2
Cattle stealing	1	-	-	-	1
Maliciously wounding	2	-	-	-	2
Inflicting actual bodily harm	1	-	-	-	1
Perjury	-	1	-	-	1
Total	22	8	-	1	31

SENTENCES.

10 years on the roads of the Colony	1
7 do. do.	3
5 do. do.	2
3 do. do.	3
2 do. do.	2
12 months do. do.	2
6 do. do.	2
4 do. do.	3
3 do. do.	1
1 year's imprisonment	1
6 months' do.	2
	22

HENRY F. GREENER, Crown Solicitor.

No. 11.

RETURN of the Estimated Population on the various Gold Fields of this Colony on the 22d December 1855.

District.	Other than Chinese.				Chinese.				Grand Total.
	Men.	Women.	Children.	Total.	Men.	Women.	Children.	Total.	
Ballaarat	41,500	3,500	5,492	50,492	3,494	2	2	3,498	53,990
Castlemaine	20,166	3,362	6,722	30,250	7,000	2	5	7,007	37,257
Avoca	17,400	3,600	5,600	26,600	3,400	–	–	3,400	30,000
Sandhurst	7,000	3,400	2,800	13,200	5,299	–	4	5,303	18,503
Beechworth	4,355	881	1,020	6,256	36	–	–	36	6,292
Total	90,421	14,743	21,634	126,798	19,229	4	11	19,244	146,042

Chief Secretary's Office,
Melbourne, January 23, 1856.

Nos 12 and 13.

[No. 12, consisting of a Nominal RETURN of the Civil, Military, and Police Forces employed on the Gold Fields on 31st December 1855, and No. 13, of a Quarterly Abstract of Immigrants, Current Rates of Wages and Prices, being extremely voluminous, are not printed.]

Despatches from the Secretary of State.

VICTORIA.

No. 1.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir CHARLES HOTHAM.

(No. 31.)

SIR, Downing Street, March 22, 1856.

I HAVE received your Despatch,* No. 142, of 21st November last; and I have to express my satisfaction at the favourable report which that Despatch conveys of the result of the measures recently adopted by you in connexion with the management of the gold fields in Victoria.

*Page 24.

I have, &c.

(Signed) H. LABOUCHERE.

Governor Sir C. Hotham,
&c. &c. &c.

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